

# Exhibit B



# Corrections and Community Supervision

Under Custody Report:

Profile of Under Custody Population  
As of January 1, 2019

**Profile of Under Custody Population  
As of January 1, 2019**

**Table of Contents**

---

	<u>Page</u>
Table of Contents .....	i
Executive Summary .....	ii
Introduction .....	1
Incarcerated Individual Categories.....	2
Section 1: Demographic Characteristics	
Gender Distribution .....	3
Age Distribution .....	4
Race/Ethnic Distribution .....	5
Region of Commitment .....	6
World Region of Birth.....	9
Marital Status.....	10
Number of Living Children .....	11
Religious Affiliation .....	12
Veteran Status .....	13
Education Level .....	14
Mental Health Service Level.....	15
Section 2: Criminal History	
Minimum Sentence .....	16
Maximum Sentence .....	18
Commitment Crime .....	20
Felony Sentencing Status.....	22
Prior Adult Criminal Record .....	24
Length of Time Served in Department Custody.....	25
Time to Earliest Release.....	26
Determinate Sentencing .....	27
Security Level and Facility by Offender Status .....	28
Section 3: Changes Over 10 Years.....	31

**Profile of Under Custody Population  
As of January 1, 2019**

**Executive Summary**

Characteristics	Category	Inmates Under Custody	Incarcerated Parolees Under Custody	Total Under Custody
Population January 1, 2019		46,644	815	47,459
Gender	Male	95.5%	88.0%	95.4%
	Female	4.5%	12.0%	4.6%
Age	Average Age	39.1	37.0	39.1
Race/Ethnic Status	White	24.1%	43.4%	24.5%
	African-American	48.3%	35.6%	48.1%
	Hispanic	24.3%	18.2%	24.2%
Region	New York City	41.4%	20.4%	41.0%
	Suburban New York	10.6%	11.5%	10.6%
	Upstate	48.1%	68.1%	48.4%
World Region of Birth	Foreign Born	9.8%	3.1%	9.7%
Marital Status	Never Married	65.7%	75.7%	65.9%
Living Children	One or more living children	62.0%	61.6%	62.0%
Religious Affiliation	Catholic	20.3%	16.0%	20.2%
	Protestant	22.6%	19.5%	22.6%
	Muslim	12.7%	9.2%	12.7%
	Rastafarian	13.2%	14.0%	13.2%
	None Listed	14.5%	18.3%	14.6%
Military Service Veteran Status	Veteran	4.2%	3.7%	4.2%
Education	Verified High School Credential	60.1%	57.9%	60.0%
OMH Service Level	OMH Level 1 - 4 (on OMH caseload)	22.5%	29.6%	22.6%
Minimum Sentence	Median Minimum (in months)	72.0	26.0	72.0
	Average Minimum (in months)	130.8	35.6	129.1
Maximum Sentence	Median Maximum (in months)	96.0	48.0	90.0
	Average Maximum (in months)	143.6	53.5	142.0
Crime	Violent Felony	66.3%	24.3%	65.5%
	Drug Offenses	13.6%	32.3%	13.9%
	Property/Other	11.1%	32.1%	11.5%
Felony Sentencing Status	First Felony	55.6%	53.5%	55.6%
	Second Felony	40.4%	46.1%	40.5%
	Persistent Felony	4.0%	0.4%	3.9%
Prior Adult Criminal Record	No Prior Arrest	15.8%	12.6%	15.7%
	Prior Prison Term	35.5%	27.4%	35.3%
Time Served in Department Custody	Median time served (in months)	26.1	*	*
	Average time served (in months)	62.1	*	*
Time to Earliest Release Date	Median time (in months)	19.7	*	*
	Average time (in months)	55.7	*	*
Determinate Sentence	Drug Offenses - Determinate	*	*	98.0%
	Violent Felony - Determinate	*	*	72.0%
Security Level	Maximum Security	43.4%	11.8%	42.9%
	Medium Security	48.9%	18.4%	48.4%
	Minimum Security	2.6%	2.0%	3.0%
	Parole Program Facility	0.4%	64.9%	1.5%

\* Not reported

**Profile of Under Custody Population**  
**As of January 1, 2019**

**INTRODUCTION**

**Purpose of the Report**

This report presents information on individuals held under Department of Corrections and Community Supervision (DOCCS) custody as of January 1, 2019. It profiles their demographic and criminal history characteristics.

**Additional Offenders Reported Due to the Merger of Corrections and Parole**

On April 1, 2011, the former Division of Parole and the former Department of Correctional Services merged to form the Department of Corrections and Community Supervision (DOCCS). In past years the Department's Under Custody reports only included inmates in correctional facilities. Starting with the 2012 report in this series, all inmates are reported including those participating in the Alt 90 or Alt 45 programs<sup>1</sup>. In addition, "incarcerated parolees" (offenders under community supervision who are participating in a parole program at a DOCCS facility) are included, but reported separately. Most "incarcerated parolees" are housed in parole program facilities, while some are housed in correctional facilities. Similarly, most inmates are housed in correctional facilities, while others are housed in parole program facilities. (See next page for a description).

The table below shows the distribution of the various offender subgroups within the under custody population. Descriptions of these different offender subgroups are presented on the next page.

Type of Facility	Inmates	Incarcerated Parolees	Total
Correctional Facilities	46,448	286	46,734
Parole Program Facilities	196	529	725
<b>Total</b>	<b>46,644</b>	<b>815</b>	<b>47,459</b>

---

1. Alt 90 cases have been assigned to an alternative 90-day drug treatment program, while Alt 45 cases have been assigned to an alternative 45-day drug treatment program at Edgecombe Residential Treatment Facility. See next page for a more complete description.

## Incarcerated Individual Categories

**Inmates in correctional facilities** are inmates who have been sentenced to prison (or returned to prison as a result of a parole violation), are not under community supervision, and are incarcerated in a traditional “prison” facility (N=46,448).

**Incarcerated parolees in correctional facilities** are parolees who are under community supervision and have been incarcerated in order to participate in a treatment program at a parole program facility (e.g. Willard Drug Treatment Campus, Edgecombe Residential Treatment Facility). Incarcerated parolees in correctional facilities (N=286) are in one of the following situations: 1) in a reception facility on the way to beginning a treatment program in a parole program facility, 2) in a correctional facility awaiting an outcome hearing by an Administrative Law Judge (ALJ) as a result of being removed from a treatment program at a parole program facility, or 3) are participating in an alternative treatment program due to medical or mental health needs that cannot be met at the designated parole program facility.

**Inmates in parole program facilities** are returned parole violators who are participating in an alternative drug treatment program (N=196). These inmates were revoked and given a time assessment by an ALJ that represents a period of time that they must spend in prison. However, in lieu of serving the full amount of time in prison, these offenders were offered the opportunity to participate in a drug treatment program and they have volunteered to do so. If they successfully complete the program (either 90 days at Willard Drug Treatment Campus or 45 days at Edgecombe Residential Treatment Facility), these offenders will be released from incarceration at the completion of the program. If they do not successfully complete the drug treatment program, they must complete the remainder of their time assessment in a correctional facility.

**Incarcerated parolees in parole program facilities** are parolees who are under community supervision and participating in an assigned treatment program at a parole program facility (N=529). Once these incarcerated parolees complete the treatment program, they will be returned to the community to complete their term of community supervision. If these incarcerated parolees do not successfully complete their assigned treatment program, they will be removed from the program and the parole violation process will proceed accordingly. Parolees who fail the Willard Drug Treatment program and parolees who were sent to Edgecombe via special condition are removed from the programs and a violation warrant is issued. Parolees who were sent to Edgecombe with the issuance of a warrant are removed from the program and a final hearing is scheduled.

## Sections of the Report

The first section of this report describes the demographic characteristics of inmates and incarcerated parolees, including gender, age, race/ethnicity, region of commitment, birthplace, marital status, number of living children, religious affiliation, and veteran status. The second section describes the criminal history and custodial status of inmates and incarcerated parolees, including information on minimum sentence, commitment crime, second felony sentencing status, prior adult criminal record, length of time served at current facility, length of time in Department custody, time to earliest release, determinant sentencing status, current education level, mental health service level, security level, and facility.

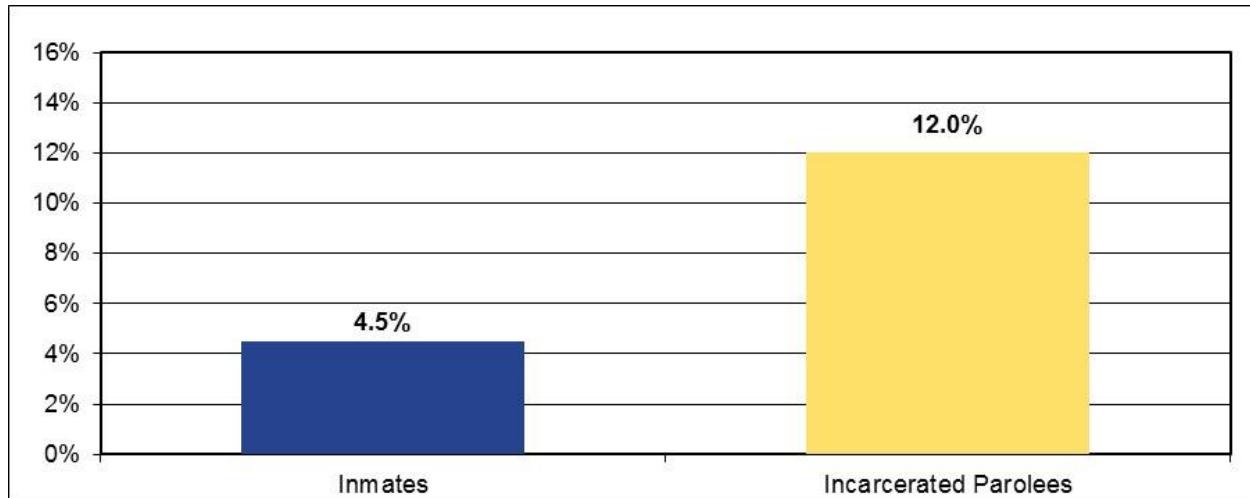
## Section One

### DEMOGRAPHIC CHARACTERISTICS

#### Gender Distribution

Of the 47,459 individuals under custody on January 1, 2019, 45,270 (95%) were male and 2,189 (5%) were female. There was a drop of 2,812 (-6%) total individuals under custody since January 1, 2018. The number of male incarcerated individuals decreased by 2,647 (-6%) while female incarcerated individuals decreased by 165 (-7%). There was an increase of 20 females in the incarcerated parolee population. Females made up a larger proportion of incarcerated parolees (12%) than inmates (4%).

**Figure 1. Proportion of Females Under Custody by Offender Status;  
Under Custody Population on January 1, 2019**



**Table 1. Gender Distribution and Offender Status;  
Under Custody Population on January 1, 2018 and January 1, 2019**

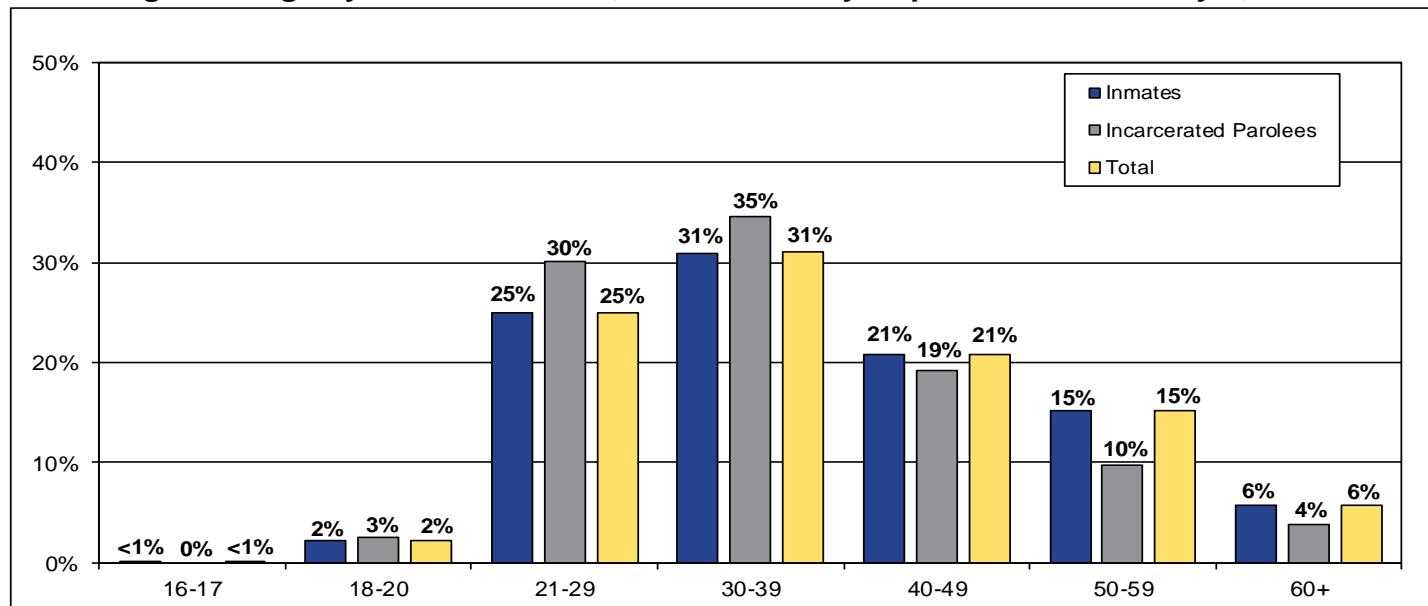
Gender and Offender Status	2018	2019	Numeric Change	Percent Change	Percent of Total 2018	Percent of Total 2019
<b>Inmates</b>						
Male	47,197	44,553	-2,644	-5.6%	95.4%	95.5%
Female	2,276	2,091	-185	-8.1%	4.6%	4.5%
Total Inmates	49,473	46,644	-2,829	-5.7%	100%	100%
<b>Incarcerated Parolees</b>						
Male	720	717	-3	-0.4%	90.2%	88.0%
Female	78	98	20	25.6%	9.8%	12.0%
Total Parolees	798	815	17	2.1%	100%	100%
<b>Grand Total</b>						
Male	47,917	45,270	-2,647	-5.5%	95.3%	95.4%
Female	2,354	2,189	-165	-7.0%	4.7%	4.6%
Total Under Custody	50,271	47,459	-2,812	-5.6%	100%	100%

## Age Distribution

The average age of incarcerated individuals on January 1, 2019 was 39 years old. On average, inmates were older (39) than incarcerated parolees (37).

Incarcerated individuals under 21 years old numbered 1,113 (2%). Since last year's report, the number of individuals in the under 21 age group decreased by 178 (-14%). Of the 1,113 individuals under age 21, 64 were 16 or 17 years old. Overall, the number of individuals age 50 and older decreased by 435 (4%) between January 1, 2018 and January 1, 2019, while the total population declined by 2,812 (-6%).

**Figure 2. Age by Offender Status; Under Custody Population on January 1, 2019**



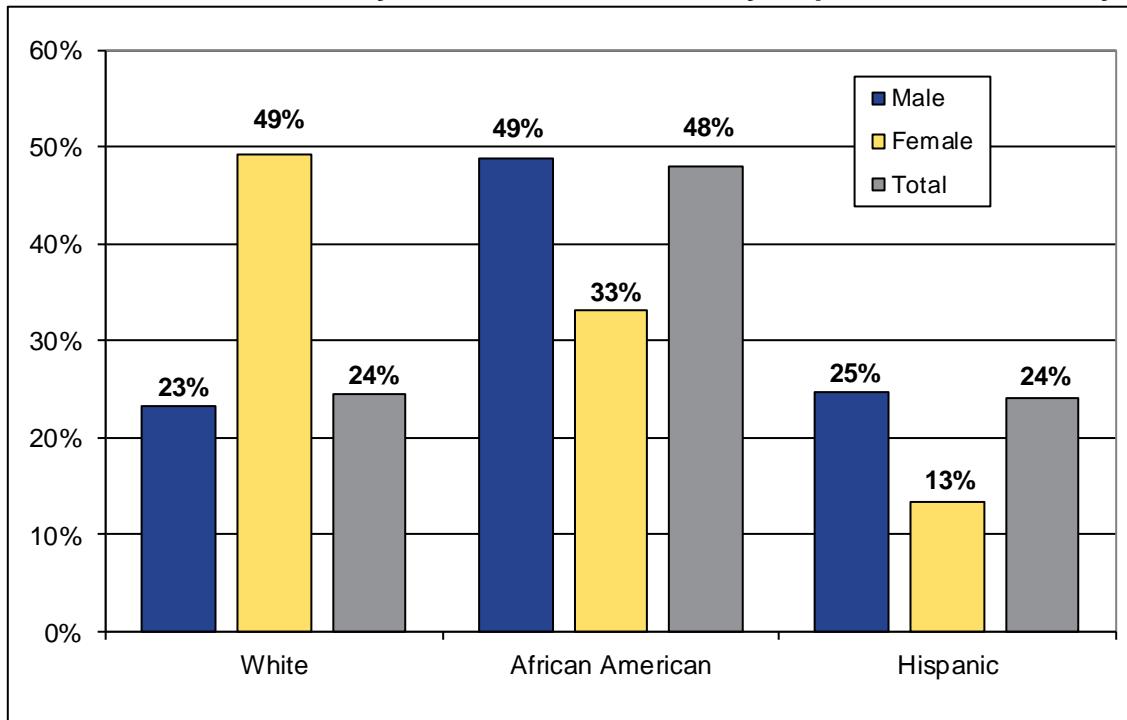
**Table 2. Age by Gender or Offender Status;  
Under Custody Population on January 1, 2019**

Age by Gender	16-17	18-20	21-29	30-39	40-49	50-59	60+	Total	Average
Male	64	1,016	11,284	13,971	9,427	6,890	2,618	45,270	39.1
Female	0	33	582	768	418	312	76	2,189	38.0
Total	64	1,049	11,866	14,739	9,845	7,202	2,694	47,459	39.1
Male	0.1%	2.2%	24.9%	30.9%	20.8%	15.2%	5.8%	100.0%	
Female	0.0%	1.5%	26.6%	35.1%	19.1%	14.3%	3.5%	100.0%	
Total	0.1%	2.2%	25.0%	31.1%	20.7%	15.2%	5.7%	100.0%	
Age by Offender Status									
Inmates	64	1,028	11,620	14,457	9,689	7,123	2,663	46,644	39.1
Incarcerated Parolees	0	21	246	282	156	79	31	815	37.0
Total Under Custody	64	1,049	11,866	14,739	9,845	7,202	2,694	47,459	39.1
Inmates	0.1%	2.2%	24.9%	31.0%	20.8%	15.3%	5.7%	100.0%	
Incarcerated Parolees	0.0%	2.6%	30.2%	34.6%	19.1%	9.7%	3.8%	100.0%	
Total Under Custody	0.1%	2.2%	25.0%	31.1%	20.7%	15.2%	5.7%	100.0%	

## Race/Ethnic Distribution

Almost half (48%) of the total incarcerated individuals under custody on January 1, 2019 were African-American, while just under a quarter were Hispanic and just under a quarter identified as White. A larger proportion of female incarcerated individuals was White (49%) compared to male incarcerated individuals (23%). A larger proportion of the incarcerated parolee population was White (43%) compared to the inmate population (24%).

**Figure 3. Race/Ethnic Status by Gender; Under Custody Population on January 1, 2019**



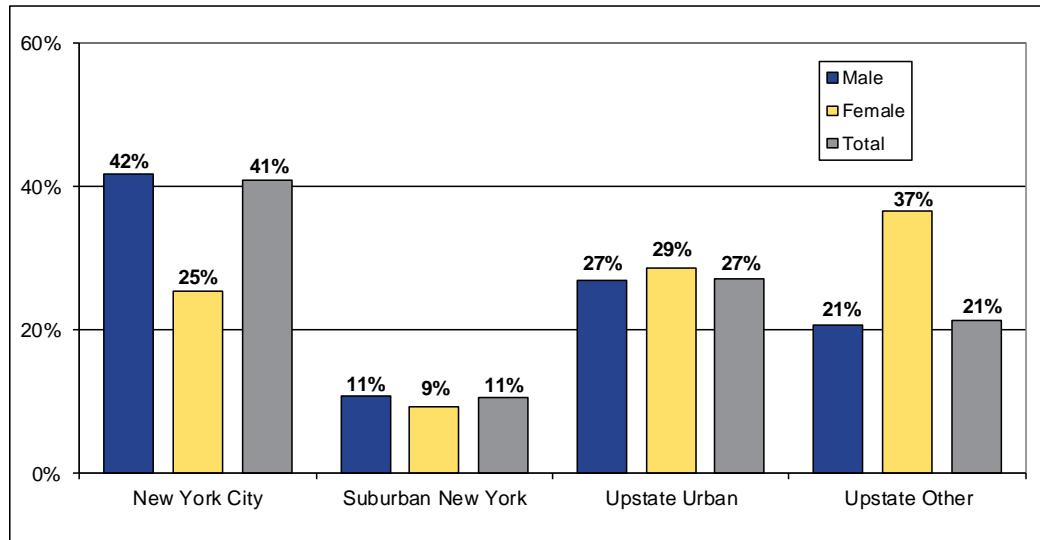
**Table 3. Race/Ethnic Status by Gender or Offender Status;  
Under Custody Population on January 1, 2019**

Race/Ethnic Status by Gender	White	African American	Hispanic	Native American	Asian	Other	Unknown	Total
Male	10,529	22,084	11,177	379	267	590	244	45,270
Female	1,077	724	294	19	16	29	30	2,189
Total	11,606	22,808	11,471	398	283	619	274	47,459
Male	23.3%	48.8%	24.7%	0.8%	0.6%	1.3%	0.5%	100.0%
Female	49.2%	33.1%	13.4%	0.9%	0.7%	1.3%	1.4%	100.0%
Total	24.5%	48.1%	24.2%	0.8%	0.6%	1.3%	0.6%	100.0%
<b>Offender Status</b>								
Inmates	11,252	22,518	11,323	394	282	613	262	46,644
Incarcerated Parolees	354	290	148	4	1	6	12	815
Total Under Custody	11,606	22,808	11,471	398	283	619	274	47,459
Inmates	24.1%	48.3%	24.3%	0.8%	0.6%	1.3%	0.6%	100.0%
Incarcerated Parolees	43.4%	35.6%	18.2%	0.5%	0.1%	0.7%	1.5%	100.0%
Total Under Custody	24.5%	48.1%	24.2%	0.8%	0.6%	1.3%	0.6%	100.0%

## Region of Commitment

Forty-one percent (41%) of individuals under custody on January 1, 2019 were committed from New York City and 11% were committed from Suburban New York (Nassau, Rockland, Suffolk, and Westchester counties). Individuals from Upstate counties with a population center of 50,000 inhabitants or more (Albany, Broome, Erie, Monroe, Oneida, Onondaga, Niagara, Rensselaer, and Schenectady counties) comprised 27% of the under custody population. The remaining 21% were sentenced from the other Upstate counties. Incarcerated parolees were less likely than inmates to have been committed from New York City (20% vs. 41%) and more likely to have been committed from Upstate Other counties (38% vs. 21%). When compared with males under custody, females under custody were less likely to be committed from New York City (25% vs. 42%) and were more likely to come from Upstate Other (37% vs. 21%).

**Figure 4. Region of Commitment by Gender; Under Custody Population on January 1, 2019**



**Table 4A. Region of Commitment by Gender or Offender Status;  
Under Custody Population on January 1, 2019 (Page 1 of 2)**

Region by Gender	New York City	Suburban New York	Upstate Urban	Upstate Other	Total*
Male	18,908	4,818	12,197	9,347	45,270
Female	555	203	627	803	2,188
Total	19,463	5,021	12,824	10,150	47,458
Male	41.8%	10.6%	26.9%	20.6%	100.0%
Female	25.4%	9.3%	28.7%	36.7%	100.0%
Total	41.0%	10.6%	27.0%	21.4%	100.0%
<b>Offender Status</b>					
Inmates	19,297	4,927	12,582	9,837	46,643
Incarcerated Parolees	166	94	242	313	815
Total Under Custody	19,463	5,021	12,824	10,150	47,458
Inmates	41.4%	10.6%	27.0%	21.1%	100.0%
Incarcerated Parolees	20.4%	11.5%	29.7%	38.4%	100.0%
Total Under Custody	41.0%	10.6%	27.0%	21.4%	100.0%

\* One inmate is from out of state, so the total for this table differs from the other tables in this report.

**Table 4B. County & Region of Commitment by Gender or Offender Status;  
Under Custody Population on January 1, 2019 (Page 1 of 2)**

County & Region by Gender	Male	Female	Total	Male	Female	Total
Bronx	3,108	86	3,194	6.9%	3.9%	6.7%
Kings	4,895	125	5,019	10.8%	5.7%	10.6%
New York	6,720	216	6,936	14.8%	9.9%	14.6%
Queens	3,565	98	3,663	7.9%	4.5%	7.7%
Richmond	621	30	651	1.4%	1.4%	1.4%
NYC Total	18,908	555	19,463	41.8%	25.4%	41.0%
Nassau	1,453	55	1,508	3.2%	2.5%	3.2%
Rockland	343	19	362	0.8%	0.9%	0.8%
Suffolk	1,880	85	1,965	4.2%	3.9%	4.1%
Westchester	1,141	44	1,185	2.5%	2.0%	2.5%
Suburban NY Total	4,818	203	5,021	10.6%	9.3%	10.6%
Albany	1,614	87	1,701	3.6%	4.0%	3.6%
Broome	757	59	816	1.7%	2.7%	1.7%
Erie	2,356	103	2,459	5.2%	4.7%	5.2%
Monroe	2,991	139	3,130	6.6%	6.4%	6.6%
Niagara	602	34	636	1.3%	1.6%	1.3%
Oneida	914	52	966	2.0%	2.4%	2.0%
Onondaga	1,760	78	1,838	3.9%	3.6%	3.9%
Rensselaer	375	22	397	0.8%	1.0%	0.8%
Schenectady	829	53	882	1.8%	2.4%	1.9%
Upstate Urban Total	12,197	627	12,824	26.9%	28.7%	27.0%
Allegany	57	9	66	0.1%	0.4%	0.1%
Cattauragus	162	13	175	0.4%	0.6%	0.4%
Cayuga	260	22	282	0.6%	1.0%	0.6%
Chautauqua	237	14	251	0.5%	0.6%	0.5%
Chemung	328	19	347	0.7%	0.9%	0.7%
Chenango	128	12	140	0.3%	0.5%	0.3%
Clinton	337	46	383	0.7%	2.1%	0.8%
Columbia	145	9	154	0.3%	0.4%	0.3%
Cortland	150	8	158	0.3%	0.4%	0.3%
Delaware	85	12	97	0.2%	0.5%	0.2%
Dutchess	715	29	744	1.6%	1.3%	1.6%
Essex	80	13	93	0.2%	0.6%	0.2%
Franklin	144	14	158	0.3%	0.6%	0.3%
Fulton	151	13	164	0.3%	0.6%	0.3%

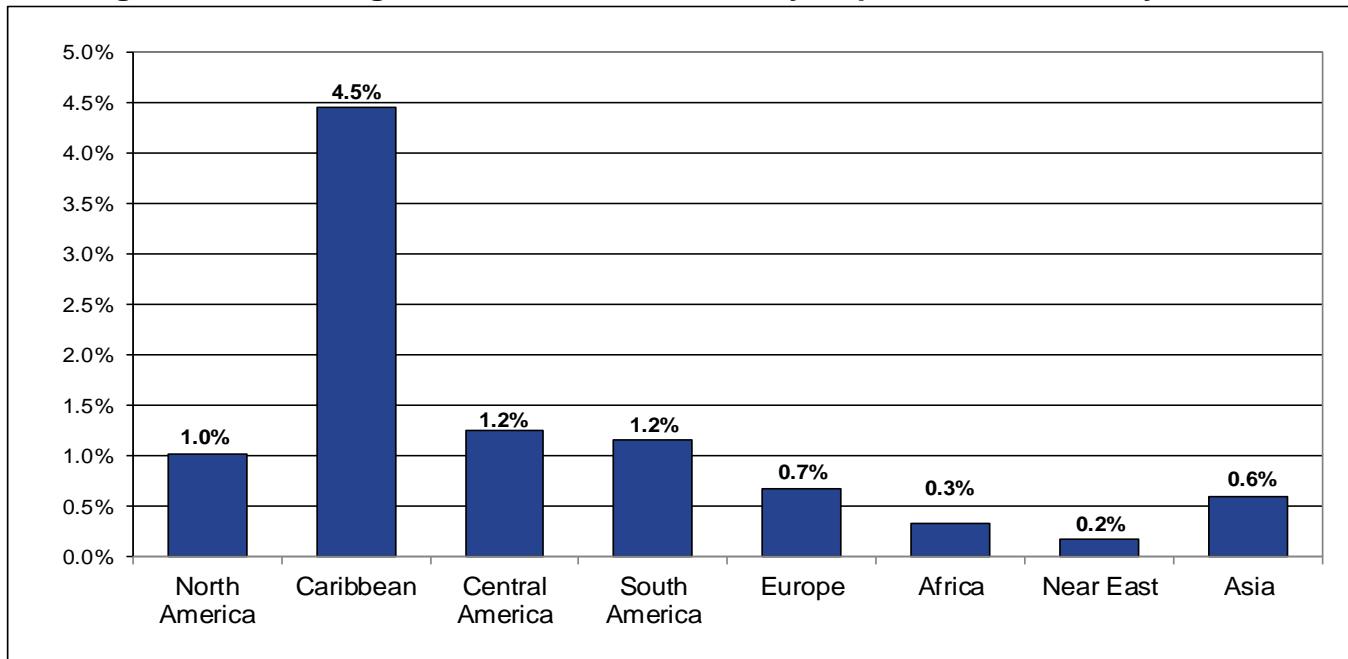
**Table 4B. County & Region of Commitment by Gender or Offender Status;  
Under Custody Population on January 1, 2019 (Page 2 of 2)**

County & Region by Gender	Male	Female	Total	Male	Female	Total
Genesee	228	19	247	0.5%	0.9%	0.5%
Greene	135	10	145	0.3%	0.5%	0.3%
Hamilton	5	1	6	0.0%	0.0%	0.0%
Herkimer	119	10	129	0.3%	0.5%	0.3%
Jefferson	246	29	275	0.5%	1.3%	0.6%
Lewis	50	11	61	0.1%	0.5%	0.1%
Livingston	153	24	177	0.3%	1.1%	0.4%
Madison	136	10	146	0.3%	0.5%	0.3%
Montgomery	173	9	182	0.4%	0.4%	0.4%
Ontario	433	55	488	1.0%	2.5%	1.0%
Orange	980	52	1,032	2.2%	2.4%	2.2%
Orleans	113	11	124	0.2%	0.5%	0.3%
Oswego	324	23	347	0.7%	1.1%	0.7%
Otsego	130	11	141	0.3%	0.5%	0.3%
Putnam	78	3	81	0.2%	0.1%	0.2%
St Lawrence	275	29	304	0.6%	1.3%	0.6%
Saratoga	326	29	355	0.7%	1.3%	0.7%
Scoharie	42	4	46	0.1%	0.2%	0.1%
Schuyler	51	12	63	0.1%	0.5%	0.1%
Seneca	80	12	92	0.2%	0.5%	0.2%
Steuben	308	33	341	0.7%	1.5%	0.7%
Sullivan	337	25	362	0.7%	1.1%	0.8%
Tioga	90	7	97	0.2%	0.3%	0.2%
Tomkins	141	7	148	0.3%	0.3%	0.3%
Ulster	546	29	575	1.2%	1.3%	1.2%
Warren	292	39	331	0.6%	1.8%	0.7%
Washington	227	29	256	0.5%	1.3%	0.5%
Wayne	164	7	171	0.4%	0.3%	0.4%
Wyoming	115	17	132	0.3%	0.8%	0.3%
Yates	70	13	83	0.2%	0.6%	0.2%
Upstate Other Total	9,347	803	10,150	20.6%	36.7%	21.4%
Total Under Custody	45,269	2,188	47,457	100.0%	100.0%	100.0%

## World Region of Birth

Eighty-nine percent (89%) of incarcerated individuals were born in the United States or a United States Territory. An additional 10% (or 4,604) reported birth in a foreign country. Of the individuals who reported birth in a foreign country, 46% (or 2,112) were from one of the island nations in the Caribbean. Among inmates, 10% (or 4,579) were foreign-born while only 3% (or 25) of incarcerated parolees were foreign-born.

**Figure 5. World Region of Birth; Under Custody Population on January 1, 2019**



**Table 5. World Region of Birth; Under Custody Population on January 1, 2019**

World Region by Gender	North America	Caribbean	Central America	South America	Europe	Africa	Near East*	Asia	South Pacific	Subtotal Outside US	United States**	Unknown	Total
Male	471	2,048	582	523	292	152	83	274	20	4,445	40,464	361	45,270
Female	11	64	10	27	29	2	0	11	5	159	1,992	38	2,189
Total	482	2,112	592	550	321	154	83	285	25	4,604	42,456	399	47,459
Male	1.0%	4.5%	1.3%	1.2%	0.6%	0.3%	0.2%	0.6%	0.0%	9.8%	89.4%	0.8%	100.0%
Female	0.5%	2.9%	0.5%	1.2%	1.3%	0.1%	0.0%	0.5%	0.2%	7.3%	91.0%	1.7%	100.0%
Total	1.0%	4.5%	1.2%	1.2%	0.7%	0.3%	0.2%	0.6%	0.1%	9.7%	89.5%	0.8%	100.0%
<b>Offender Status</b>													
Inmates	481	2,100	591	546	319	152	83	282	25	4,579	41,689	375	46,643
Incarcerated Parolees	1	12	1	4	2	2	0	3	0	25	767	24	816
Total Under Custody	482	2,112	592	550	321	154	83	285	25	4,604	42,456	399	47,459
Inmates	1.0%	4.5%	1.3%	1.2%	0.7%	0.3%	0.2%	0.6%	0.1%	9.8%	89.4%	0.8%	100.0%
Incarcerated Parolees	0.1%	1.5%	0.1%	0.5%	0.2%	0.2%	0.0%	0.4%	0.0%	3.1%	94.0%	2.9%	100.0%
Total Under Custody	1.0%	4.5%	1.2%	1.2%	0.7%	0.3%	0.2%	0.6%	0.1%	9.7%	89.5%	0.8%	100.0%

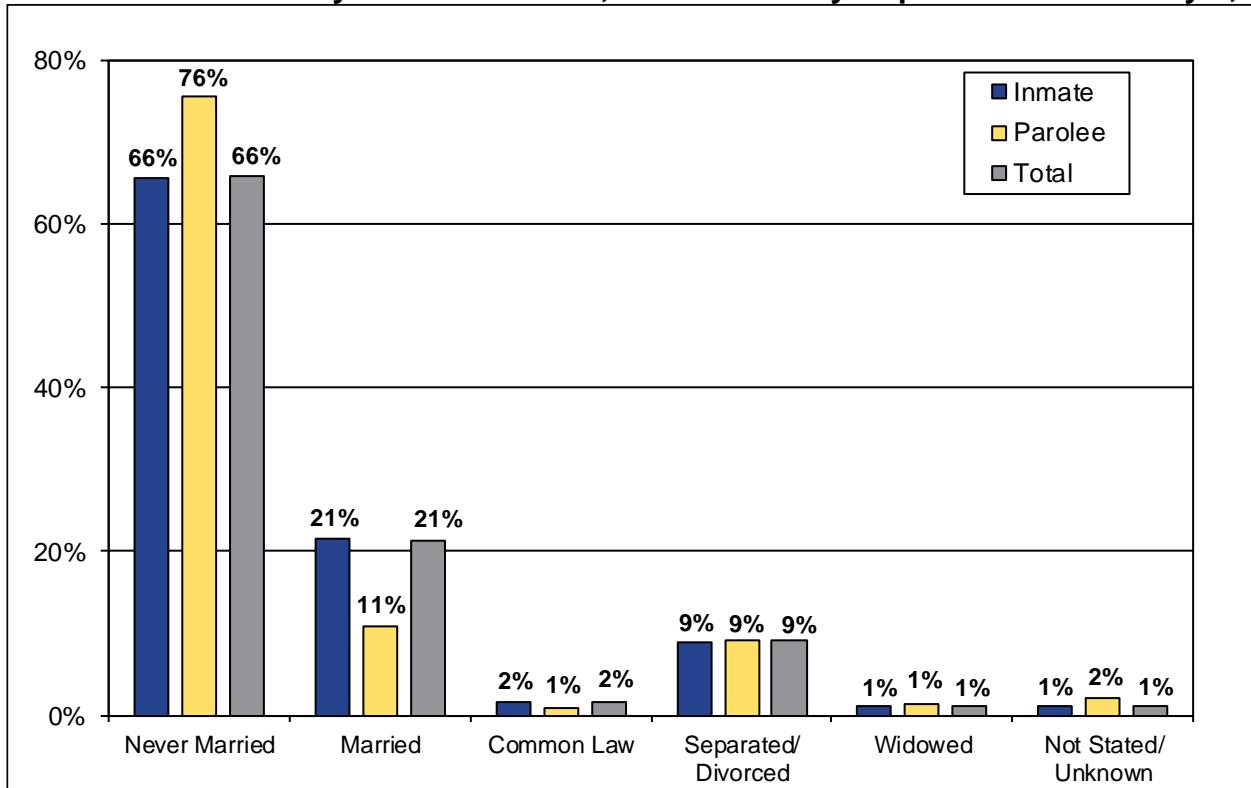
\* Near East includes Bahrain, Cyprus, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Oman and Muscat, Qatar, Saudi Arabia, South Yemen, Syria, Turkey, United Arab Emirates and Yemen.

\*\* Includes individuals committed from United States Territories.

## Marital Status

Two-thirds (66%) of the incarcerated individuals reported never being married. The proportion was higher (76%) for incarcerated parolees.

**Figure 6. Marital Status by Offender Status; Under Custody Population on January 1, 2019**



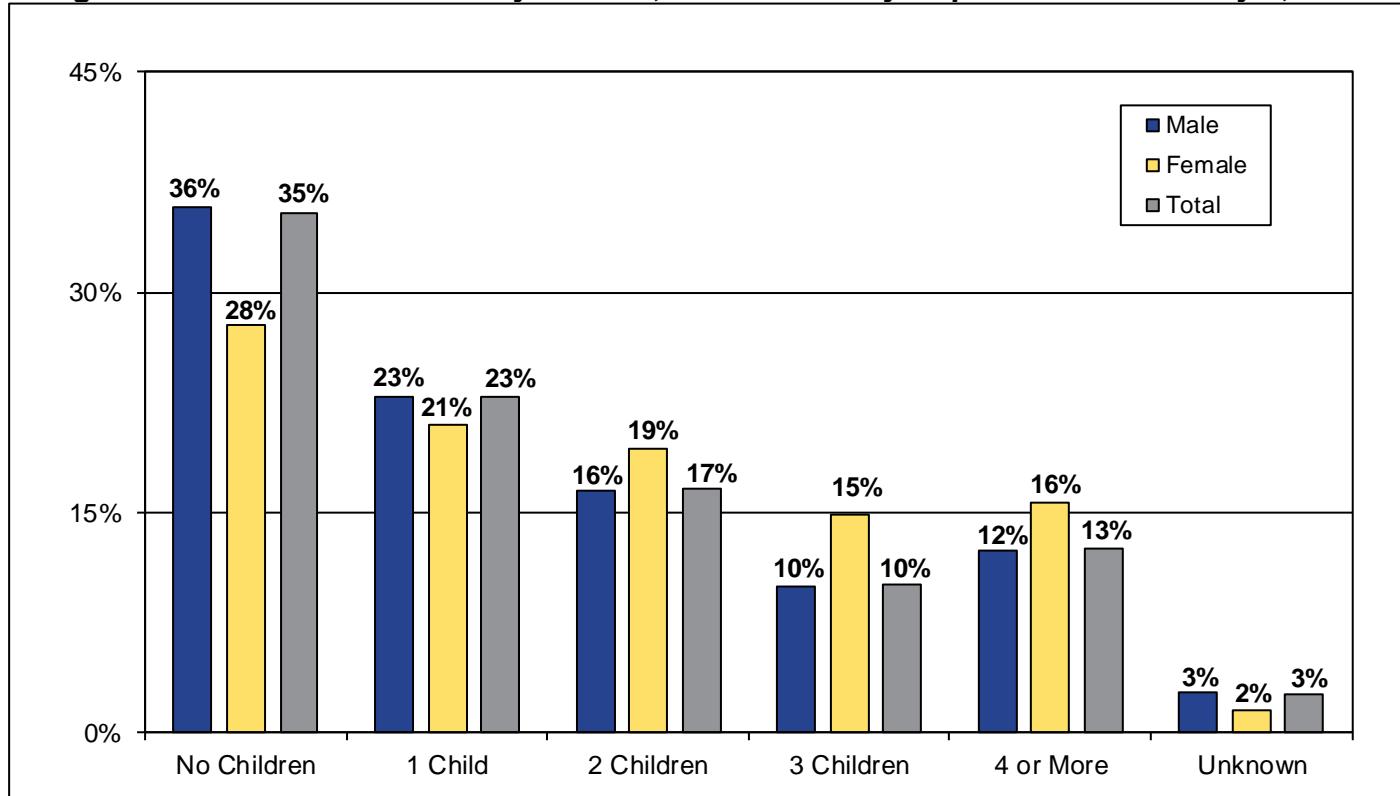
**Table 6. Marital Status; Under Custody Population on January 1, 2019**

Marital Status by Gender	Never Married	Married	Common Law	Separated/Divorced	Widowed	Not Stated/Unknown	Total
Male	29,885	9,689	732	3,997	439	528	45,270
Female	1,392	415	3	284	60	35	2,189
Total	31,277	10,104	735	4,281	499	563	47,459
Male	66.0%	21.4%	1.6%	8.8%	1.0%	1.2%	100.0%
Female	63.6%	19.0%	0.1%	13.0%	2.7%	1.6%	100.0%
Total	65.9%	21.3%	1.5%	9.0%	1.1%	1.2%	100.0%
Offender Status							
Inmates	30,660	10,015	729	4,206	488	546	46,644
Incarcerated Parolees	617	89	6	75	11	17	815
Total Under Custody	31,277	10,104	735	4,281	499	563	47,459
Inmates	65.7%	21.5%	1.6%	9.0%	1.0%	1.2%	100.0%
Incarcerated Parolees	75.7%	10.9%	0.7%	9.2%	1.3%	2.1%	100.0%
Total Under Custody	65.9%	21.3%	1.5%	9.0%	1.1%	1.2%	100.0%

## Number of Living Children

Among incarcerated individuals reporting parental status, the majority (62%) reported that they had at least one living child at the time of admission to the Department. Women were more likely than men to report having a living child (71% vs. 62%).

**Figure 7. Number of Children by Gender; Under Custody Population on January 1, 2019**



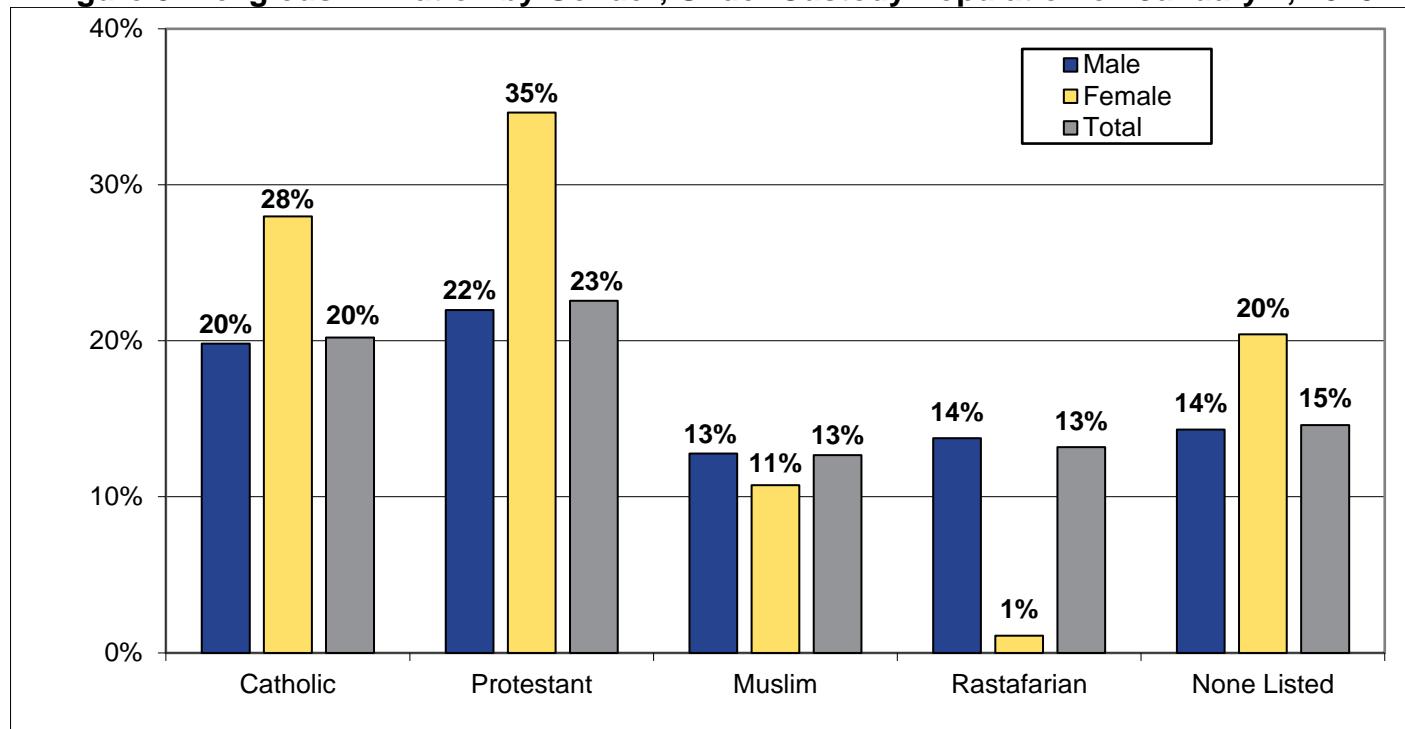
**Table 7. Number of Children; Under Custody Population on January 1, 2019**

Number of Children by Gender	No Children	1 Child	2 Children	3 Children	4 or More	Unknown	Total
Male	16,193	10,376	7,425	4,473	5,591	1,212	45,270
Female	607	460	422	324	342	34	2,189
Total	16,800	10,836	7,847	4,797	5,933	1,246	47,459
Male	35.8%	22.9%	16.4%	9.9%	12.4%	2.7%	100.0%
Female	27.7%	21.0%	19.3%	14.8%	15.6%	1.6%	100.0%
Total	35.4%	22.8%	16.5%	10.1%	12.5%	2.6%	100.0%
<b>Offender Status</b>							
Inmates	16,517	10,669	7,696	4,713	5,833	1,216	46,644
Incarcerated Parolees	283	167	151	84	100	30	815
Total Under Custody	16,800	10,836	7,847	4,797	5,933	1,246	47,459
Inmates	35.4%	22.9%	16.5%	10.1%	12.5%	2.6%	100.0%
Incarcerated Parolees	34.7%	20.5%	18.5%	10.3%	12.3%	3.7%	100.0%
Total Under Custody	35.4%	22.8%	16.5%	10.1%	12.5%	2.6%	100.0%

## Religious Affiliation

Eighty-five percent (85%) of incarcerated individuals reported religious affiliation. Twenty percent (20%) were Catholic, 23% were Protestant, 13% were Muslim, 30% reported another faith (Nation of Islam, Rastafarian, Jewish, Native American, Greek Orthodox, and Other), and 15% did not report affiliation with a religious faith (None Listed).

**Figure 8. Religious Affiliation by Gender; Under Custody Population on January 1, 2019**



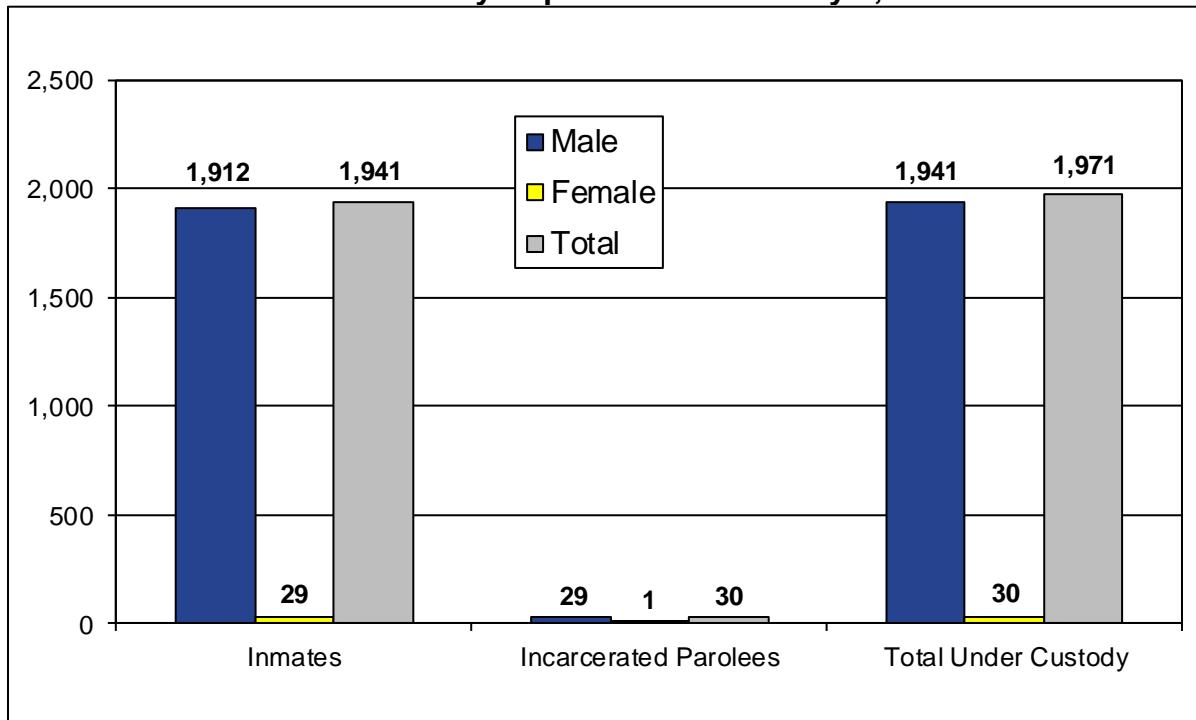
**Table 8. Religious Affiliation; Under Custody Population on January 1, 2019**

Religious Affiliation by Gender	Catholic	Protes-tant	Muslim	Rasta-farian	Jewish	Nation of Islam	Native American	Greek Orthodox	Other	None Listed	Total
Male	8,975	9,945	5,780	6,230	3,029	1,811	410	35	2,576	6,479	45,270
Female	612	758	235	24	55	12	12	1	33	447	2,189
Total	9,587	10,703	6,015	6,254	3,084	1,823	422	36	2,609	6,926	47,459
Male	19.8%	22.0%	12.8%	13.8%	6.7%	4.0%	0.9%	0.1%	5.7%	14.3%	100.0%
Female	28.0%	34.6%	10.7%	1.1%	2.5%	0.5%	0.5%	0.0%	1.5%	20.4%	100.0%
Total	20.2%	22.6%	12.7%	13.2%	6.5%	3.8%	0.9%	0.1%	5.5%	14.6%	100.0%
Offender Status											
Inmates	9,457	10,544	5,940	6,140	2,935	1,812	414	36	2,589	6,777	46,644
Incarcerated Parolees	130	159	75	114	149	11	8	0	20	149	815
Total Under Custody	9,587	10,703	6,015	6,254	3,084	1,823	422	36	2,609	6,926	47,459
Inmates	20.3%	22.6%	12.7%	13.2%	6.3%	3.9%	0.9%	0.1%	5.6%	14.5%	100.0%
Incarcerated Parolees	16.0%	19.5%	9.2%	14.0%	18.3%	1.3%	1.0%	0.0%	2.5%	18.3%	100.0%
Total Under Custody	20.2%	22.6%	12.7%	13.2%	6.5%	3.8%	0.9%	0.1%	5.5%	14.6%	100.0%

## Veteran Status

Of the 47,459 incarcerated individuals on January 1, 2019, 4% (1,971) were reported as verified veterans. Only 30 veterans were female. Veteran status is verified through a data match with the Veteran's Administration (VA) or verified possession of a DD214 form.

**Figure 9. Veterans by Gender and Offender Status;  
Under Custody Population on January 1, 2019**



**Table 9. Veterans by Gender and Offender Status;  
Under Custody Population on January 1, 2019**

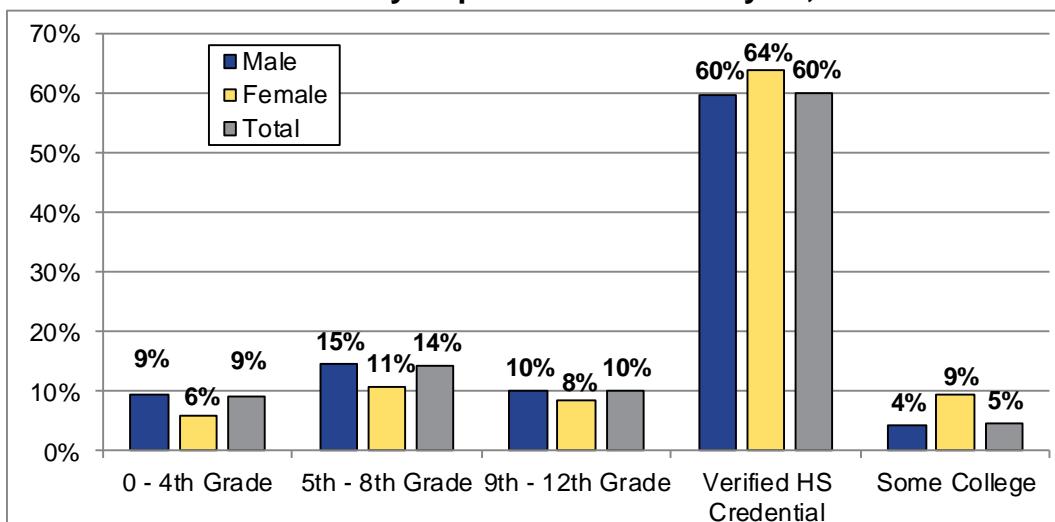
Veteran Status by Offender Status	Male			Female			Total		
	Non Veteran	Veteran	Total	Non Veteran	Veteran	Total	Non Veteran	Veteran	Total
Inmates	42,641	1,912	44,553	2,062	29	2,091	44,703	1,941	46,644
Incarcerated Parolees	688	29	717	97	1	98	785	30	815
Total Under Custody	43,329	1,941	45,270	2,159	30	2,189	45,488	1,971	47,459
Inmates	95.7%	4.3%	100.0%	98.6%	1.4%	100.0%	95.8%	4.2%	100.0%
Incarcerated Parolees	96.0%	4.0%	100.0%	99.0%	1.0%	100.0%	96.3%	3.7%	100.0%
Total Under Custody	95.7%	4.3%	100.0%	98.6%	1.4%	100.0%	95.8%	4.2%	100.0%

## Education Level

The Department's education program objective is to encourage every incarcerated individual to earn a high school equivalency diploma while incarcerated. Testing and educational programming are used to track the academic level of incarcerated individuals in reading and mathematics. In order to take the high school equivalency examination, the Department requires incarcerated individuals to take tests demonstrating at least a ninth grade level in reading and mathematics. Data reflects results of the most recent tests.

Nine percent (9%) of incarcerated individuals had a tested reading score at the 0 – 4<sup>th</sup> Grade level, 14% at 5<sup>th</sup> – 8<sup>th</sup> Grade level, 10% at the 9<sup>th</sup> – 12<sup>th</sup> Grade level (but no verified high school or equivalency diploma), 60% had a verified high school or equivalency diploma and 5% had some college or a college degree. Female incarcerated individuals had slightly higher levels of education.

**Figure 10. Reading Score Grade Level and HS Diploma Status by Gender:  
Under Custody Population on January 12, 2019**



**Table 10. Reading Score Grade Level & HS Diploma Status; UC Population January 12, 2019**

	0-4th grade	5-8th grade	9-12th grade	Verified HS Credential	Some College	Data Unavailable	Total
Male	4,242	6,549	4,594	26,941	1,946	769	45,041
Female	126	231	181	1,371	203	34	2,146
Total	4,368	6,780	4,775	28,312	2,149	803	47,187
Male	9.4%	14.5%	10.2%	59.8%	4.3%	1.7%	100.0%
Female	5.9%	10.8%	8.4%	63.9%	9.5%	1.6%	100.0%
Total	9.3%	14.4%	10.1%	60.0%	4.6%	1.7%	100.0%
<b>Offender Status</b>							
Inmates	4,298	6,657	4,701	27,818	2,131	782	46,387
Incarcerated Parolees	70	123	74	494	18	21	800
Total Under Custody*	4,368	6,780	4,775	28,312	2,149	803	47,187
Inmates	9.3%	14.4%	10.1%	60.0%	4.6%	1.7%	100.0%
Incarcerated Parolees	8.8%	15.4%	9.3%	61.8%	2.3%	2.6%	100.0%
Total Under Custody*	9.3%	14.4%	10.1%	60.0%	4.6%	1.7%	100.0%

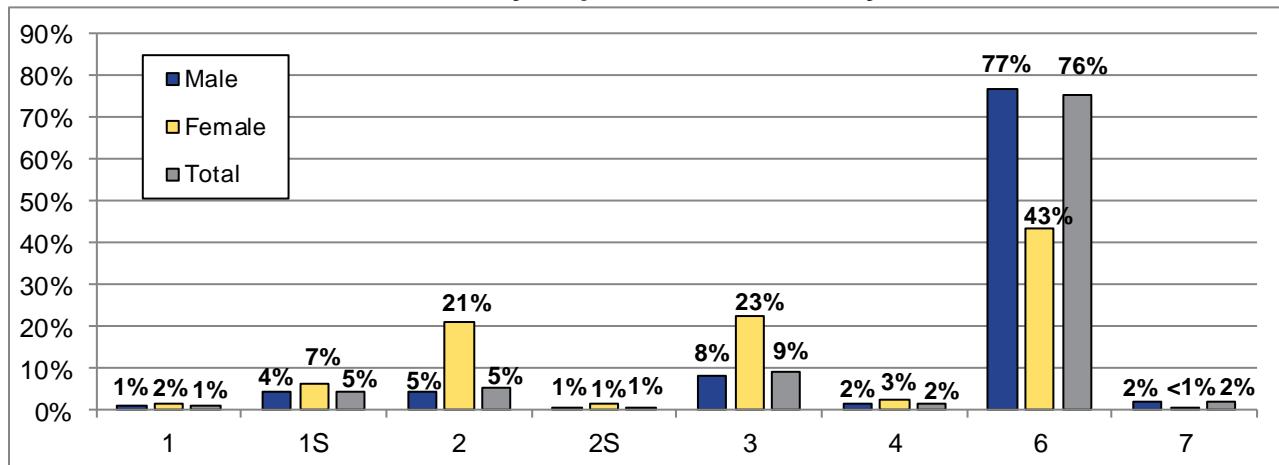
\*Data used from Education Data Files on January 12, 2019. Totals do not equal January 1, 2019 totals.

## Mental Health Service Level

The NYS Office of Mental Health (OMH) provides mental health diagnostic and treatment services to offenders in DOCCS' custody. OMH staff classify offenders according to the mental health service level needed. Offenders who may need mental health treatment services are classified from level 1 through level 4, with 1 indicating the most serious mental health diagnoses and 4 the least serious. Level 6 offenders have been assessed by OMH staff with no mental health services required and level 7 incarcerated individuals have not yet been assessed. The "S" label in Table 19 indicates Serious Mental Illness (SMI) and the OMH level numbers indicate the level of OMH services that must be available at the facility where the offender is housed.

Twenty-three percent (23%) of individuals under custody had an OMH service level of 1 – 4, indicating they were on the OMH caseload, while 75% had a service level classification of 6 (no mental health services required). Women were much more likely than men to have an OMH service level classification of 1 – 4 (56% and 21%, respectively).

**Figure 11. Mental Health Service Level by Gender; Under Custody Population on January 1, 2019**



**Table 11. OMH Service Level and SMI Status; Under Custody Population on January 1, 2019**

OMH Service Level by Gender	1	1S	2	2S	3	4	6	7	Total*
Male	487	2,000	2,134	238	3,830	826	34,864	889	45,268
Female	40	145	460	31	496	61	950	6	2,189
Total	527	2,145	2,594	269	4,326	887	35,814	895	47,457
Male	1.1%	4.4%	4.7%	0.5%	8.5%	1.8%	77.0%	2.0%	100.0%
Female	1.8%	6.6%	21.0%	1.4%	22.7%	2.8%	43.4%	0.3%	100.0%
Total	1.1%	4.5%	5.5%	0.6%	9.1%	1.9%	75.4%	1.9%	100.0%
Offender Status									
Inmates	521	2,117	2,526	266	4,209	868	35,245	890	46,642
Incarcerated Parolees	6	28	68	3	117	19	569	5	815
Total Under Custody	527	2,145	2,594	269	4,326	887	35,814	895	47,457
Inmates	1.1%	4.5%	5.4%	0.6%	9.0%	1.9%	75.6%	1.9%	100.0%
Incarcerated Parolees	0.7%	3.4%	8.3%	0.4%	14.4%	2.3%	69.8%	0.6%	100.0%
Total Under Custody	1.1%	4.5%	5.5%	0.6%	9.1%	1.9%	75.4%	1.9%	100.0%

\*2 missing cases

## Section Two

### CRIMINAL & LEGAL HISTORY

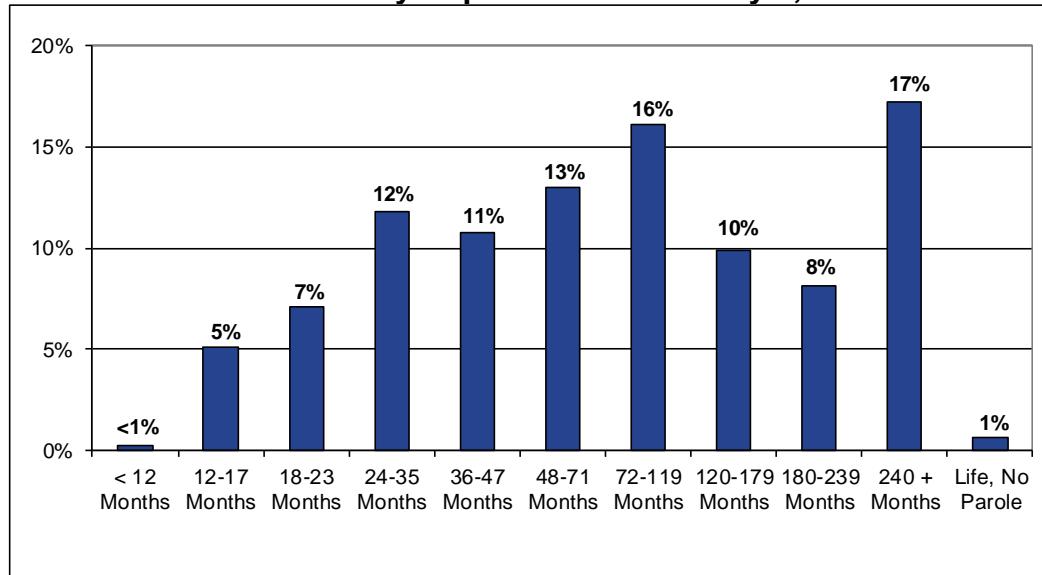
#### Minimum Sentence

Overall, the median minimum sentence for incarcerated individuals was 6 years (72 months)<sup>2</sup>. However, the average minimum sentence length was over ten years, reflecting the influence of lengthy minimum terms of many offenders. A little over one-third (36%) were serving minimum sentences of 10 years or more.

Current sentencing laws in New York require an incarcerated individual convicted of certain crimes to receive a determinate sentence. Determinate sentences require an incarcerated individual to serve a minimum term of 6/7 years of the determinate sentence imposed by the judge before being eligible for release. An incarcerated individual committed for a crime not designated as having a determinate sentence has a minimum sentence set by the court.

As of January 1, 2019, there were 299 incarcerated individuals under custody who were serving sentences of “Life Without Parole”. In calculating the average minimum sentence length, “Life Without Parole” cases were given a value of 45 years or 540 months.

**Figure 12. Minimum Sentence Length;  
Under Custody Population on January 1, 2019**



**Table 12A. Minimum Sentence; Under Custody Population on January 1, 2019**

Minimum Sentence	< 12 Months	12-17 Months	18-23 Months	24-35 Months	36-47 Months	48-71 Months	72-119 Months	120-179 Months	180-239 Months	240 + Months	Life, No Parole	Total
Total	83	2,444	3,376	5,603	5,140	6,170	7,647	4,683	3,839	8,175	299	47,459
Under Custody	0.2%	5.1%	7.1%	11.8%	10.8%	13.0%	16.1%	9.9%	8.1%	17.2%	0.6%	100.0%

<sup>2</sup> The median is the middle point between the number of instances of greater value and the number of instances of lesser value. The median is less subject to the influence of extreme values than is the average and is preferred by some users for this reason.

**Table 12B. Minimum Sentence; Under Custody Population on January 1, 2019**

Minimum Sentence by Gender - Inmates	Male	Female	Total	Male	Female	Total
< 12 Months	59	11	70	0.1%	0.5%	0.2%
12-17 Months	2,054	267	2,321	4.6%	12.8%	5.0%
18-23 Months	2,988	229	3,217	6.7%	11.0%	6.9%
24-35 Months	5,010	346	5,356	11.2%	16.5%	11.5%
36-47 Months	4,729	289	5,018	10.6%	13.8%	10.8%
48-71 Months	5,815	278	6,093	13.1%	13.3%	13.1%
72-119 Months	7,371	227	7,598	16.5%	10.9%	16.3%
120-179 Months	4,527	135	4,662	10.2%	6.5%	10.0%
180-239 Months	3,710	126	3,836	8.3%	6.0%	8.2%
240 + Months	8,002	172	8,174	18.0%	8.2%	17.5%
Life, No Parole	288	11	299	0.6%	0.5%	0.6%
Total Inmates	44,553	2,091	46,644	100.0%	100.0%	100.0%
Minimum Sentence by Gender - Parolees	Male	Female	Total	Male	Female	Total
< 12 Months	10	3	13	1.4%	3.1%	1.6%
12-17 Months	100	23	123	13.9%	23.5%	15.1%
18-23 Months	131	28	159	18.3%	28.6%	19.5%
24-35 Months	213	34	247	29.7%	34.7%	30.3%
36-47 Months	115	7	122	16.0%	7.1%	15.0%
48-71 Months	74	3	77	10.3%	3.1%	9.4%
72-119 Months	49	0	49	6.8%	0.0%	6.0%
120-179 Months	21	0	21	2.9%	0.0%	2.6%
180-239 Months	3	0	3	0.4%	0.0%	0.4%
240 + Months	1	0	1	0.1%	0.0%	0.1%
Life, No Parole	0	0	0	0.0%	0.0%	0.0%
Total Incarcerated Parolees	717	98	815	100.0%	100.0%	100.0%
Total Under Custody	45,270	2,189	47,459	95.4%	4.6%	100.0%
Average and Median Minimum Sentence	Male Average	Female Average	Total Average	Male Median	Female Median	Total Median
Total Inmates	133.1	80.2	130.8	72.0	41.0	72.0
Total Incarcerated Parolees	37.3	22.7	35.6	30.0	21.0	26.0
Total Under Custody	131.6	77.6	129.1	72.0	41.0	72.0

As can be seen in Table 12B above, the median minimum sentence for inmates was 72 months. There was a large difference between male inmates, whose median minimum sentence was 72 months, and female inmates, whose median minimum was 41 months.

For incarcerated parolees, the median minimum sentence was 26 months. Male parolees had a median minimum sentence of 30 months, while female parolees had a median minimum of 21 months. In general, incarcerated parolees have shorter minimum and maximum sentences than inmates committed to state prison. Overall, 12% of inmates had a minimum sentence of less than 2 years compared with 36% of incarcerated parolees.

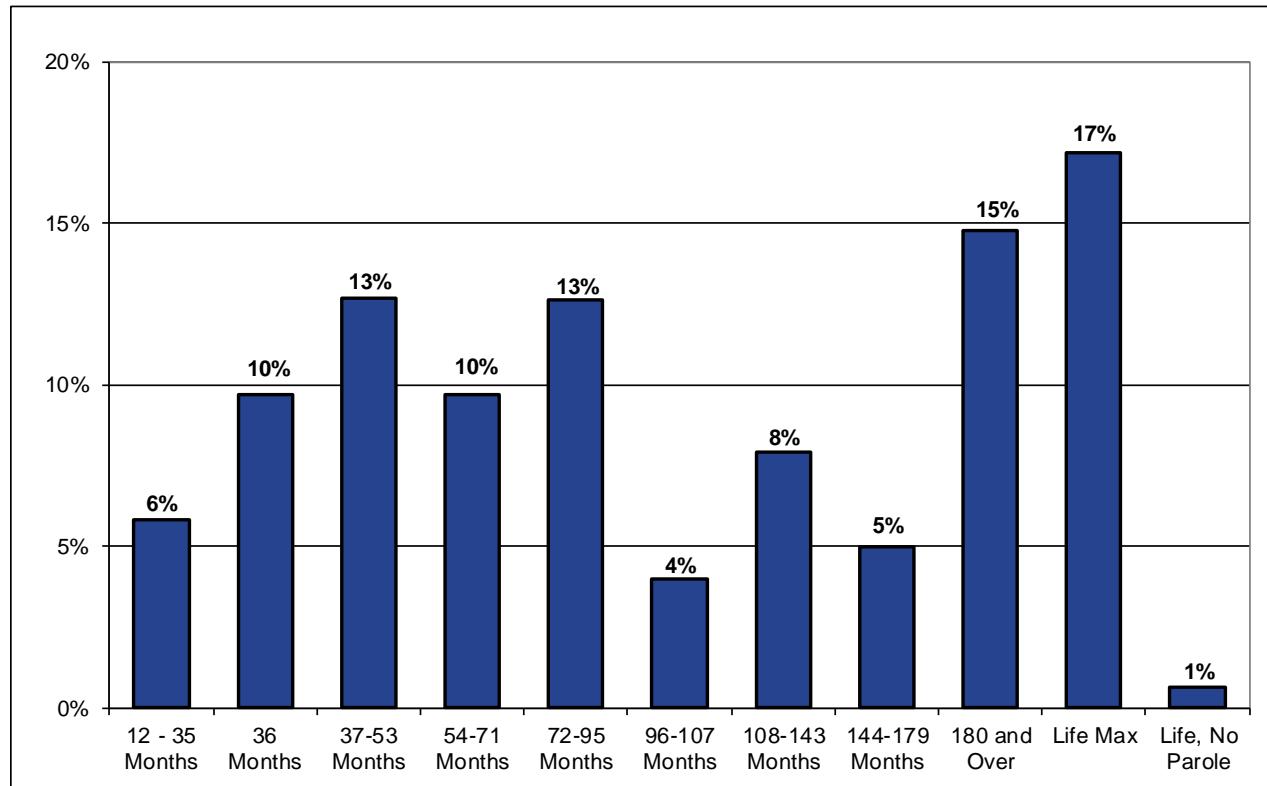
## Maximum Sentence

As of January 1, 2019, the median maximum sentence of incarcerated individuals was nearly eight years (90 months). However, the average maximum sentence length was nearly 12 years, reflecting the influence of lengthy maximum terms of many offenders. About one-third had maximum sentences of 15 years or more with 17% of the population having a maximum sentence of life.

The average maximum sentence for women (99 months) was 45 months shorter than for men (144 months). The median maximum sentence for women (60 months) was 36 months shorter than for men (96 months). The average maximum sentence for inmates (144 months) was 90 months shorter than for incarcerated parolees (54 months).

In calculating the average maximum sentence length, "Life Without Parole" cases were given a value of 45 years or 540 months, and Life maximum cases were given a value of 25 years or 300 months.

**Figure 13. Maximum Sentence Length;  
Under Custody Population on January 1, 2019**



**Table 13A. Maximum Sentence; Under Custody Population on January 1, 2019**

Maximum Sentence	12 - 35 Months	36 Months	37-53 Months	54-71 Months	72-95 Months	96-107 Months	108-143 Months	144-179 Months	180 and Over	Life Max	Life, No Parole	Total Inmates
Total	2,770	4,607	6,013	4,609	5,978	1,891	3,759	2,372	7,011	8,150	299	47,459
Under Custody	5.8%	9.7%	12.7%	9.7%	12.6%	4.0%	7.9%	5.0%	14.8%	17.2%	0.6%	100.0%

**Table 13B. Maximum Sentence; Under Custody Population on January 1, 2019**

Maximum Sentence by Gender - Inmates	Male	Female	Total	Male	Female	Total
12 to 35	2,397	209	2,606	5.4%	10.0%	5.6%
36 Months	4,041	360	4,401	9.1%	17.2%	9.4%
37-53 Months	5,457	354	5,811	12.2%	16.9%	12.5%
54-71 Months	4,315	217	4,532	9.7%	10.4%	9.7%
72-95 Months	5,646	239	5,885	12.7%	11.4%	12.6%
96-107 Months	1,793	78	1,871	4.0%	3.7%	4.0%
108-143 Months	3,596	139	3,735	8.1%	6.6%	8.0%
144-179 Months	2,276	87	2,363	5.1%	4.2%	5.1%
180 and Over	6,798	198	6,996	15.3%	9.5%	15.0%
Life Max	7,946	199	8,145	17.8%	9.5%	17.5%
Life, No Parole	288	11	299	0.6%	0.5%	0.6%
<b>Total Inmates</b>	<b>44,553</b>	<b>2,091</b>	<b>46,644</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
Maximum Sentence by Gender - Parolees	Male	Female	Total	Male	Female	Total
12 to 35	127	37	164	17.7%	37.8%	20.1%
36 Months	182	24	206	25.4%	24.5%	25.3%
37-53 Months	181	21	202	25.2%	21.4%	24.8%
54-71 Months	69	8	77	9.6%	8.2%	9.4%
72-95 Months	85	8	93	11.9%	8.2%	11.4%
96-107 Months	20	0	20	2.8%	0.0%	2.5%
108-143 Months	24	0	24	3.3%	0.0%	2.9%
144-179 Months	9	0	9	1.3%	0.0%	1.1%
180 and Over	15	0	15	2.1%	0.0%	1.8%
Life Max	5	0	5	0.7%	0.0%	0.6%
Life, No Parole	0	0	0	0.0%	0.0%	0.0%
<b>Total Incarcerated Parolees</b>	<b>717</b>	<b>98</b>	<b>815</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
<b>Total Under Custody</b>	<b>45,270</b>	<b>2,189</b>	<b>47,459</b>	<b>95.4%</b>	<b>4.6%</b>	<b>100.0%</b>
Average and Median Maximum Sentence	Male Average	Female Average	Total Average	Male Median	Female Median	Total Median
Total Inmates	145.5	102.3	143.6	96.0	60.0	96.0
Total Incarcerated Parolees	55.4	39.3	53.5	48.0	36.0	48.0
<b>Total Under Custody</b>	<b>144.1</b>	<b>99.4</b>	<b>142.0</b>	<b>96.0</b>	<b>60.0</b>	<b>90.0</b>

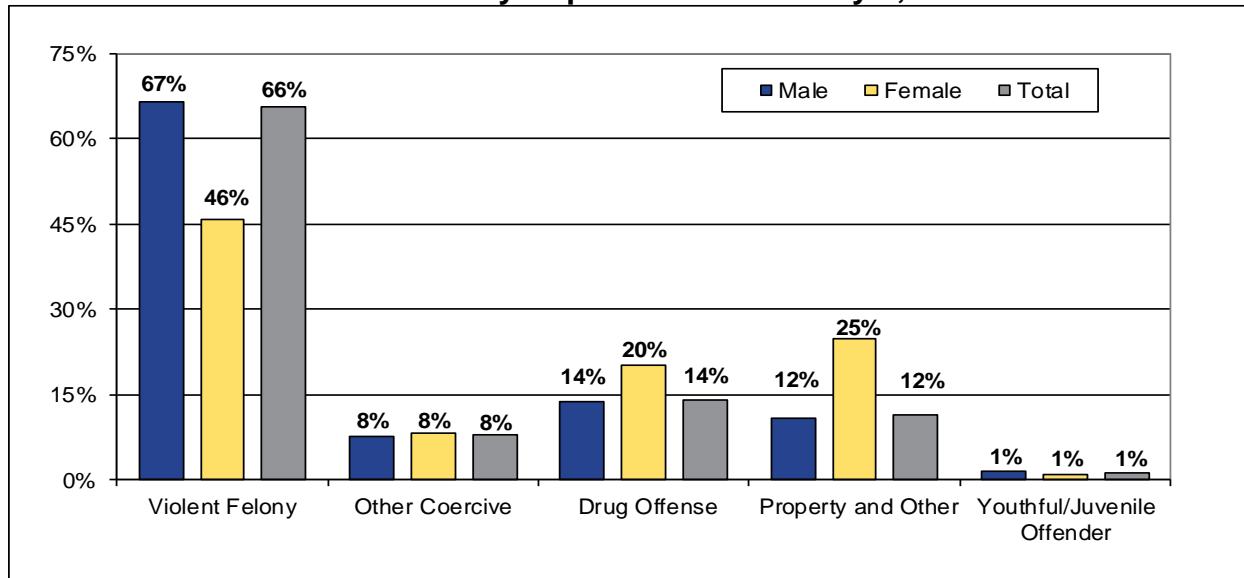
For incarcerated parolees, the median maximum sentence was 48 months. The difference between males and females was much smaller, with a median maximum sentence of 48 months for males compared with 36 months for female incarcerated parolees.

## Commitment Crime

Sixty-six percent (66%) of the incarcerated individuals on January 1, 2019 were convicted of a Violent Felony Offense (VFO). Another 14% of offenders were convicted of drug crimes and another 12% of offenders were convicted of a Property or Other crime. Forty-six percent (46%) of females were serving a sentence for a VFO compared to 67% of males. In contrast, 25% of females were sentenced for a Property and Other crime compared to 11% of males.

On January 1, 2019, there were 6,596 drug offenders (14%), this compares with 24,085 (34%) drug offenders on January 1, 1997. This is a reduction of 17,489 (73%) and compares with a reduction of 22,750 (32%) in the total population. This disproportionately large change in the drug offender population is due to the drug law reforms enacted in 2009.

**Figure 14. Commitment Crime Category by Gender; Under Custody Population on January 1, 2019**



**Table 14A. Crime Category; Under Custody Population on January 1, 2019**

Commitment Crime Type by Gender	Violent Felony	Other Coercive	Drug Offenses	Property and Other	YO/JO	Total
Male	30,109	3,495	6,153	4,915	598	45,270
Female	1,000	180	443	546	20	2,189
Total	31,109	3,675	6,596	5,461	618	47,459
Male	66.5%	7.7%	13.6%	10.9%	1.3%	100.0%
Female	45.7%	8.2%	20.2%	24.9%	0.9%	100.0%
Total	65.5%	7.7%	13.9%	11.5%	1.3%	100.0%
Offender Status						
Inmates	30,911	3,602	6,333	5,199	599	46,644
Incarcerated Parolees	198	73	263	262	19	815
Total Under Custody	31,109	3,675	6,596	5,461	618	47,459
Inmates	66.3%	7.7%	13.6%	11.1%	1.3%	100.0%
Incarcerated Parolees	24.3%	9.0%	32.3%	32.1%	2.3%	100.0%
Total Under Custody	65.5%	7.7%	13.9%	11.5%	1.3%	100.0%

**Table 14B. Crime Category by Offender Status by Gender; UC Population on January 1, 2019**

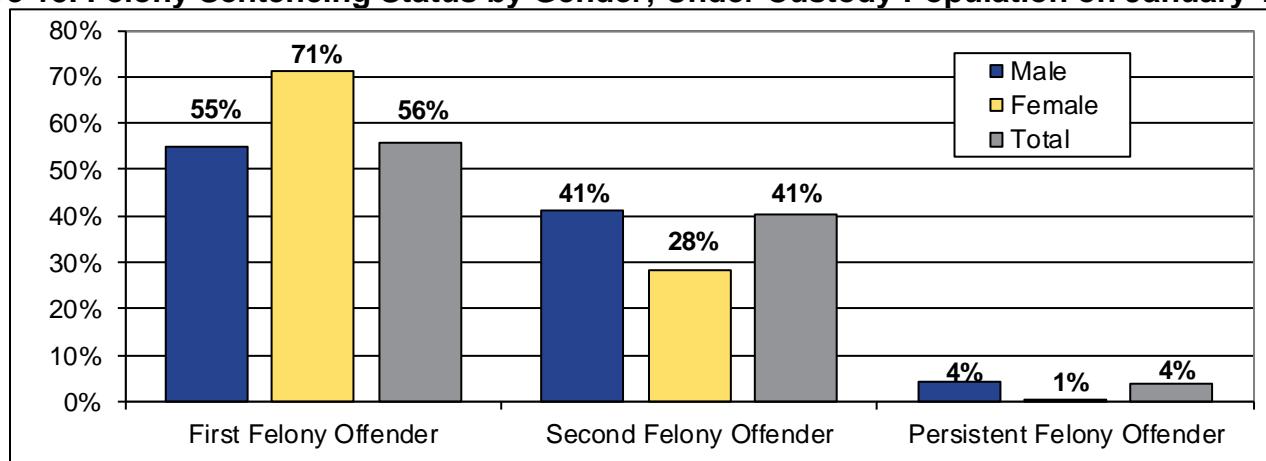
Commitment Crime Type	Inmates			Incarcerated Parolees			Grand Total
	Male	Female	Total	Male	Female	Total	
Violent Felony							
Murder	5,682	187	5,869	2	0	2	5,871
Attempted Murder	1,373	37	1,410	2	0	2	1,412
Manslt 1st,Ag 2nd	1,987	149	2,136	3	0	3	2,139
Rape 1st	1,459	8	1,467	18	0	18	1,485
Robbery 1st	3,179	90	3,269	14	0	14	3,283
Robbery 2nd	2,043	78	2,121	23	1	24	2,145
Assault 1st	1,884	94	1,978	4	0	4	1,982
Assault 2nd	1,194	82	1,276	11	0	11	1,287
Burglary 1st	1,002	23	1,025	2	0	2	1,027
Burglary 2nd	3,021	116	3,137	26	0	26	3,163
Arson 1st,2nd	192	27	219	1	0	1	220
Sodomy 1st	885	9	894	5	0	5	899
Sex Ab 1st,Ag.2	1,125	10	1,135	47	0	47	1,182
Weapons Offenses	3,777	58	3,835	19	0	19	3,854
Kidnapping 1st,2nd	290	18	308	1	0	1	309
Other VFO Sex Off	660	13	673	18	0	18	691
Other Violent	159	0	159	1	0	1	160
Subtotal	29,912	999	30,911	197	1	198	31,109
	96.8%	3.2%	100.0%	99.5%	0.5%	100.0%	
Other Coercive							
Manslaughter 2nd	175	23	198	2	0	2	200
Other Homicide	157	27	184	0	0	0	184
Robbery 3rd	760	32	792	21	3	24	816
Att Assault 2nd	316	26	342	6	0	6	348
Conspiracy 2,3,4	302	16	318	5	0	5	323
Other Weapons	623	8	631	8	0	8	639
Other Sex Offenses	796	18	814	23	0	23	837
Other Coercive	296	27	323	5	0	5	328
Subtotal	3,425	177	3,602	70	3	73	3,675
	95.1%	4.9%	100.0%	95.9%	4.1%	100.0%	
Drug Offenses							
Drug Sale	2,716	184	2,900	83	17	100	3,000
Drug Possession	3,221	212	3,433	133	30	163	3,596
Subtotal	5,937	396	6,333	216	47	263	6,596
	93.7%	6.3%	100.0%	82.1%	17.9%	100.0%	
Property and Other							
Burglary 3rd	1,489	74	1,563	76	14	90	1,653
Grand Larceny	853	170	1,023	42	10	52	1,075
Forgery	312	54	366	12	10	22	388
Stolen Property	248	22	270	19	1	20	290
Drive Intoxicated	462	63	525	22	8	30	555
Contempt 1st	318	9	327	8	0	8	335
All Other felonies	1,018	107	1,125	36	4	40	1,269
Subtotal	4,700	499	5,199	215	47	262	5,461
	90.4%	9.6%	100.0%	82.1%	17.9%	100.0%	
YO/JO							
Youthful Offender	509	18	527	19	0	19	546
Juvenile Offender	70	2	72	0	0	0	72
Subtotal	579	20	599	19	0	19	618
	96.7%	3.3%	100.0%	100.0%	0.0%	100.0%	
Grand Total	44,553	2,091	46,644	717	98	815	47,459
	95.5%	4.5%	100.0%	88.0%	12.0%	100.0%	

## Felony Sentencing Status

Fifty-six percent (56%) of incarcerated individuals under custody on January 1, 2019, were sentenced as first felony offenders. Crimes are presented by felony sentencing status in Table 13B. In general, VFO and YO/JO's were more likely to be first felony offenders while Drug, Property, and Other Coercive offenders were more likely to be second felony offenders. Men were more likely than women (41% vs. 28%) to be sentenced as second felony offenders.

New York State Penal Law establishes more severe sentences for second felony offenders and persistent felony offenders than for first felony offenders. In general, a persistent felony offender is a person convicted of at least two prior felony offenses on separate occasions. This status allows them to be sentenced to a life maximum. It should be noted that some offenders included among the individuals sentenced as first felony offenders were also convicted of prior felony crimes and some even had previous sentences to state prison. The majority of such offenders were convicted of class A-1 violent felony crimes, which do not permit sentencing as a second felony offender since the penalties for A-1 violent felony crimes are already the most severe.

**Figure 15. Felony Sentencing Status by Gender; Under Custody Population on January 1, 2019**



**Table 15A. Felony Sentencing Status; Under Custody Population on January 1, 2019**

Felony Offender by Gender	First Felony Offender	Second Felony Offender	Persistent Felony Offender	Total
Male	24,825	18,606	1,839	45,270
Female	1,556	621	12	2,189
Total	26,381	19,227	1,851	47,459
Male	54.8%	41.1%	4.1%	100.0%
Female	71.1%	28.4%	0.5%	100.0%
Total	55.6%	40.5%	3.9%	100.0%
Offender Status				
Inmates	25,945	18,851	1,848	46,644
Incarcerated Parolees	436	376	3	815
Total Under Custody	26,381	19,227	1,851	47,459
Inmates	55.6%	40.4%	4.0%	100.0%
Incarcerated Parolees	53.5%	46.1%	0.4%	100.0%
Total Under Custody	55.6%	40.5%	3.9%	100.0%

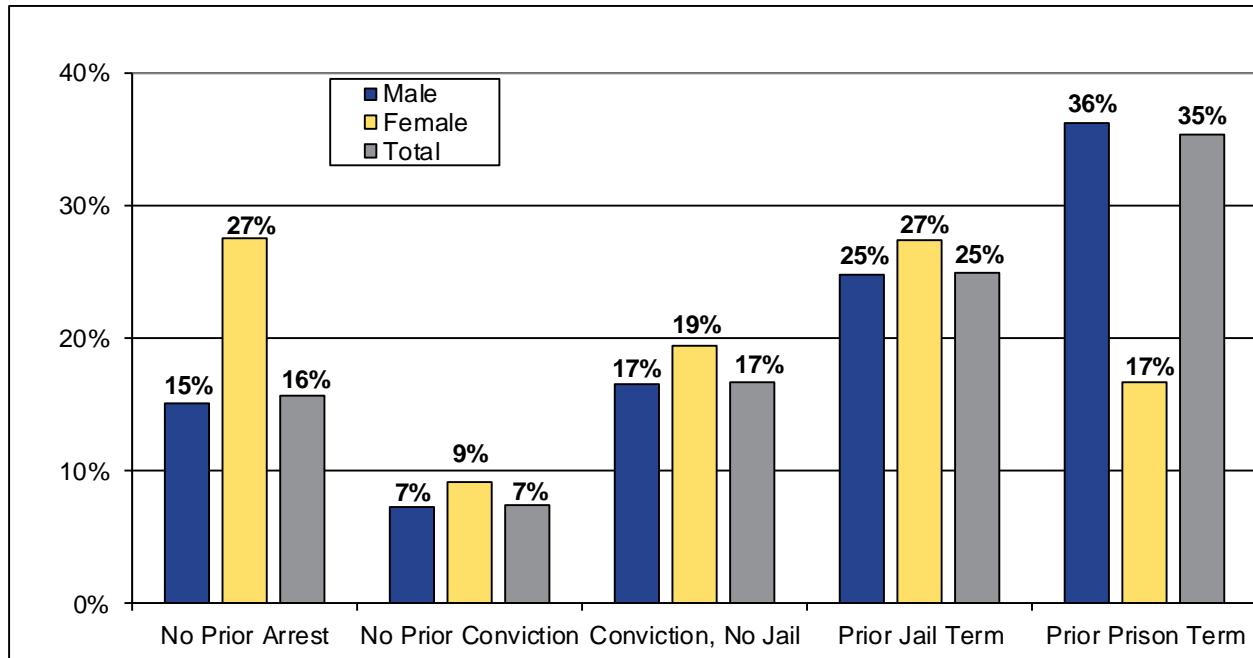
**Table 15B. Felony Sentencing Status; Under Custody Population on January 1, 2019**

Commitment Crime Type	Inmates				Incarcerated Parolees				Grand Total
	First Felony Offender	Second Felony Offender	Persistent Felony Offender	Total	First Felony Offender	Second Felony Offender	Persistent Felony Offender	Total	
Violent Felony									
Murder	5,869	0	0	5,869	2	0	0	2	5,871
Attempted Murder	973	388	49	1,410	1	1	0	2	1,412
Mansl 1st,Ag 2nd	1,583	528	25	2,136	3	0	0	3	2,139
Rape 1st	895	462	110	1,467	11	7	0	18	1,485
Robbery 1st	1,445	1,422	402	3,269	13	1	0	14	3,283
Robbery 2nd	920	962	239	2,121	14	9	1	24	2,145
Assault 1st	1,212	688	78	1,978	1	3	0	4	1,982
Assault 2nd	609	586	81	1,276	5	6	0	11	1,287
Burglary 1st	483	456	86	1,025	1	1	0	2	1,027
Burglary 2nd	1,065	1,649	423	3,137	13	11	2	26	3,163
Arson 1st,2nd	155	63	1	219	0	1	0	1	220
Sodomy 1st	625	223	46	894	3	2	0	5	899
Sex Ab 1st,Ag.2	890	202	43	1,135	41	6	0	47	1,182
Weapons Offenses	1,999	1,724	112	3,835	9	10	0	19	3,854
Kidnapping 1st,2nd	222	72	14	308	0	1	0	1	309
Other VFO Sex Off	498	158	17	673	13	5	0	18	691
Other Violent	93	61	5	159	0	1	0	1	160
Subtotal	19,536	9,644	1,731	30,911	130	65	3	198	31,109
	63.2%	31.2%	5.6%	100.0%	65.7%	32.8%	1.5%	100.0%	
Other Coercive									
Manslaughter 2nd	151	40	7	198	2	0	0	2	200
Other Homicide	155	27	2	184	0	0	0	0	184
Robbery 3rd	197	575	20	792	12	12	0	24	816
Att Assault 2nd	91	250	1	342	1	5	0	6	348
Conspiracy 2,3,4	164	149	5	318	0	5	0	5	323
Other Weapons	144	482	5	631	3	5	0	8	639
Other Sex Offenses	564	245	5	814	7	16	0	23	837
Other Coercive	159	156	8	323	1	4	0	5	328
Subtotal	1,625	1,924	53	3,602	26	47	0	73	3,675
	45.1%	53.4%	1.5%	100.0%	35.6%	64.4%	0.0%	100.0%	
Drug Offenses									
Drug Sale	897	2,000	3	2,900	57	43	0	100	3,000
Drug Possession	1,149	2,281	3	3,433	76	87	0	163	3,596
Subtotal	2,046	4,281	6	6,333	133	130	0	263	6,596
	32.3%	67.6%	0.1%	100.0%	50.6%	49.4%	0.0%	100.0%	
Property and Other									
Burglary 3rd	436	1,111	16	1,563	32	58	0	90	1,653
Grand Larceny	373	641	9	1,023	22	30	0	52	1,075
Forgery	104	258	4	366	6	16	0	22	388
Stolen Property	69	197	4	270	8	12	0	20	290
Drive Intoxicated	516	3	6	525	30	0	0	30	555
Contempt 1st	127	196	4	327	3	5	0	8	335
All Other Felonies	514	596	15	1,125	27	13	0	40	1,165
Subtotal	2,139	3,002	58	5,199	128	134	0	262	5,461
	41.1%	57.7%	1.1%	100.0%	48.9%	51.1%	0.0%	100.0%	
YO/JO									
Youthful Offender	527	0	0	527	19	0	0	19	546
Juvenile Offender	72	0	0	72	0	0	0	0	72
Subtotal	599	0	0	599	19	0	0	19	618
	100.0%	0.0%	0.0%	100.0%	100.0%	0.0%	0.0%	100.0%	
Grand Total	25,945	18,851	1,848	46,644	436	376	3	815	47,459
	55.6%	40.4%	4.0%	100.0%	53.5%	46.1%	0.4%	100.0%	

## Prior Adult Criminal Record

For this report, incarcerated individuals are placed in a prior adult criminal record category based on their most extensive contact with the criminal justice system prior to their current incarceration. Thirty-five percent (35%) of offenders under custody had served a prior prison term. For 25% of the custody population, prior jail was the most serious contact with the criminal justice system, while 16% had no prior arrest. Women had less extensive prior adult records than men.

**Figure 16. Prior Adult Criminal Record by Gender; Under Custody Population on January 1, 2019**



**Table 16. Prior Adult Criminal Record; Under Custody Population on January 1, 2019**

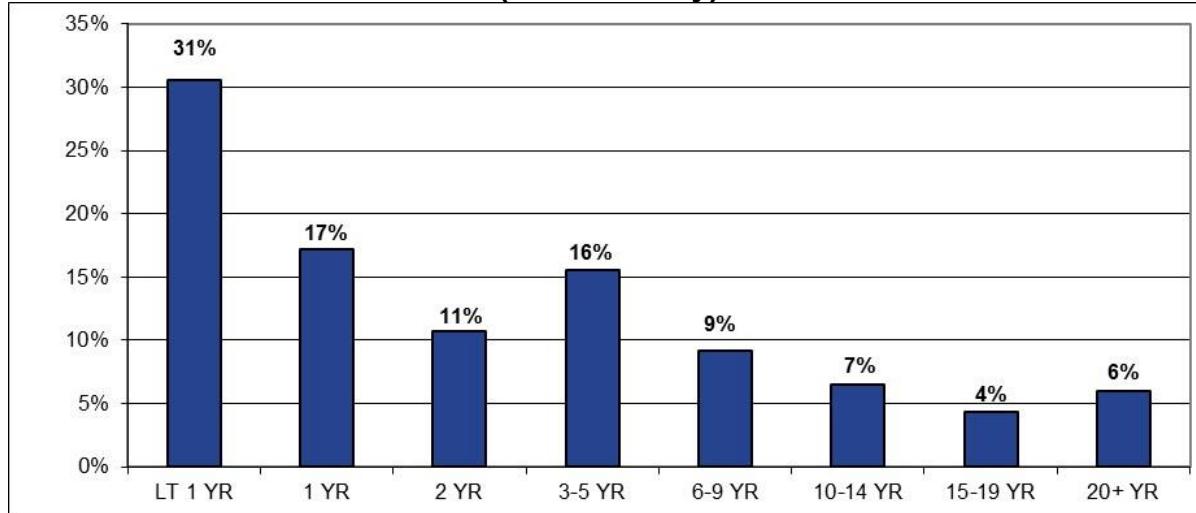
Prior Record by Gender	No Prior Arrest	No Prior Conviction	Conviction, No Jail	Prior Jail Term	Prior Prison Term	Total
Male	6,856	3,287	7,499	11,226	16,402	45,270
Female	601	201	424	598	365	2,189
Total	7,457	3,488	7,923	11,824	16,767	47,459
Male	15.1%	7.3%	16.6%	24.8%	36.2%	100.0%
Female	27.5%	9.2%	19.4%	27.3%	16.7%	100.0%
Total	15.7%	7.3%	16.7%	24.9%	35.3%	100.0%
Offender Status						
Inmates	7,354	3,440	7,776	11,530	16,544	46,644
Incarcerated Parolees	103	48	147	294	223	815
Total Under Custody	7,457	3,488	7,923	11,824	16,767	47,459
Inmates	15.8%	7.4%	16.7%	24.7%	35.5%	100.0%
Incarcerated Parolees	12.6%	5.9%	18.0%	36.1%	27.4%	100.0%
Total Under Custody	15.7%	7.3%	16.7%	24.9%	35.3%	100.0%

## Length of Time Served in Department Custody (Inmates Only)

This section is limited to inmates only so it presents data regarding time spent under custody prior to release from prison to the community.

Inmates under custody on January 1, 2019 had spent an average of 62 months at DOCCS since their latest admission date. The median length of time served was 26 months.

**Figure 17. Length of Time Served in DOCCS Custody Since Last Admission Date (Inmates Only)**



**Table 17. DOCCS Time Served in Years;  
Inmate Under Custody Population on January 1, 2019**

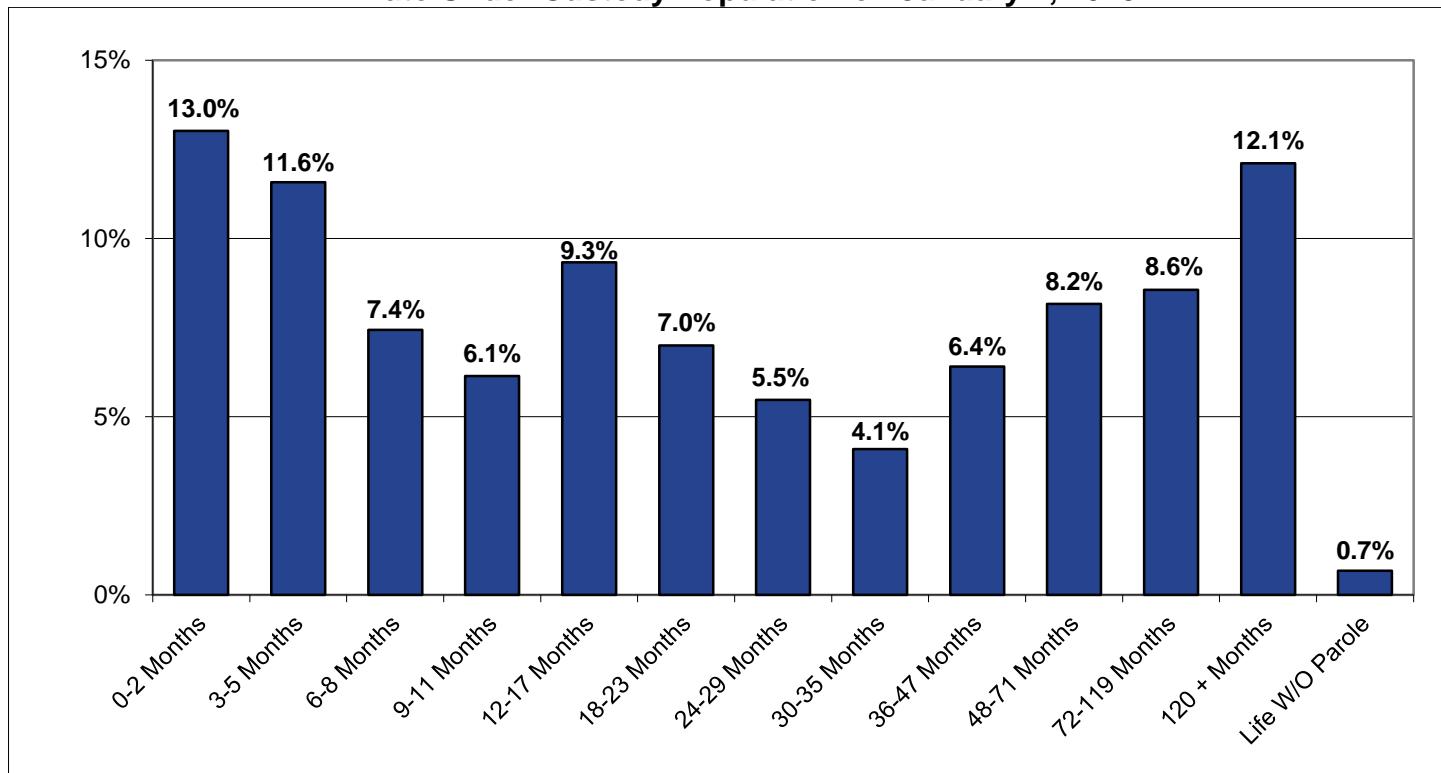
Time in DOCCS	LT 1 YR	1 YR	2 YR	3-5 YR	6-9 YR	10-14 YR	15-19 YR	20+ YR	Total
Male	13,261	7,596	4,802	7,024	4,147	2,965	1,992	2,766	44,553
Female	975	406	214	222	120	73	44	37	2,091
Total	14,236	8,002	5,016	7,246	4,267	3,038	2,036	2,803	46,644
Male	29.8%	17.0%	10.8%	15.8%	9.3%	6.7%	4.5%	6.2%	100.0%
Female	46.6%	19.4%	10.2%	10.6%	5.7%	3.5%	2.1%	1.8%	100.0%
Total	30.5%	17.2%	10.8%	15.5%	9.1%	6.5%	4.4%	6.0%	100.0%
Average Served Since Latest Admission Date in Months				Total	62.1	Male	63.4	Female	26.9
Median Served Since Latest Admission Date in Months				Total	26.1	Male	26.9	Female	13.6

## Time to Earliest Release

Time to earliest release date is a measure of the length of time until the earliest possible date at which the inmate can legally be released. Incarcerated parolees are not included in this section.

Fifty-four percent (54%) of the inmate population had less than two years to their earliest release dates. The average time to earliest release for the inmate population on January 1, 2019 was 56 months. The median time to earliest release was 20 months. Median and average time to earliest release were much lower for female inmates than for male inmates.

**Figure 18. Length of Time to Earliest Release Date (Inmates Only); Inmate Under Custody Population on January 1, 2019**



**Table 18. Time to Earliest Release Date in Months; Inmate UC Population on January 1, 2019**

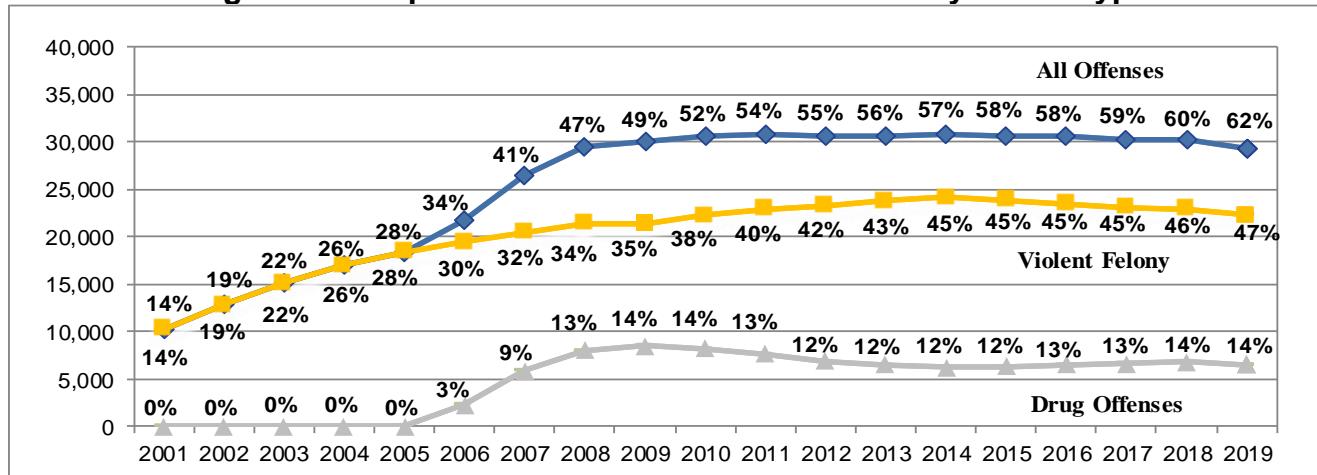
Time to Earliest Release Date	0-2 Months	3-5 Months	6-8 Months	9-11 Months	12-17 Months	18-23 Months	24-29 Months	30-35 Months	36-47 Months	48-71 Months	72-119 Months	120 + Months	Life W/O Parole	Total*
Male	5,427	4,834	3,100	2,540	3,943	2,953	2,330	1,745	2,760	3,515	3,696	5,242	288	42,373
Female	355	308	201	187	202	157	100	71	85	112	107	138	11	2,034
Total	5,782	5,142	3,301	2,727	4,145	3,110	2,430	1,816	2,845	3,627	3,803	5,380	299	44,407
Male	12.8%	11.4%	7.3%	6.0%	9.3%	7.0%	5.5%	4.1%	6.5%	8.3%	8.7%	12.4%	0.7%	100.0%
Female	17.5%	15.1%	9.9%	9.2%	9.9%	7.7%	4.9%	3.5%	4.2%	5.5%	5.3%	6.8%	0.5%	100.0%
Total	13.0%	11.6%	7.4%	6.1%	9.3%	7.0%	5.5%	4.1%	6.4%	8.2%	8.6%	12.1%	0.7%	100.0%
Inmates	Average Time to Earliest Release Date in Months Median Time to Earliest Release Date in Months						Male	56.9	Male	31.5	Female	11.4	Total	55.7
							Male	20.4	Female			Total		19.7

## Determinate Sentencing

The proportion of incarcerated individuals in DOCCS serving determinate sentences has grown dramatically. Sixty-two percent of the 47,459 offenders under custody on January 1, 2019 were serving determinate sentences, more than four times the 14% reported in 2001. Table 17B below starts with 2001 as the baseline data prior to the start of drug determinate sentencing. Selected years are included in the table due to space limitations.

As of January 1, 2019, 98% of the incarcerated individuals for drug offenses were serving determinate sentences, while 72% of the offenders sentenced for Violent Felony Offenses were serving determinate sentences.

**Figure 19. Proportion of Determinate Sentences by Crime Type**



**Table 19A. Number of Determinate Sentences; Under Custody Population on January 1, 2019**

Offender Status	Violent Felony	Other Coercive	Drug Offenses	Property and Other Offenses	Youthful Offender	Juvenile Offender	Total
<b>Inmates &amp; Incarcerated Parolees</b>							
Indeterminate	8,788	3,137	105	5,442	538	72	18,082
Determinate	22,321	538	6,491	19	8	0	29,377
<b>Total</b>	<b>31,109</b>	<b>3,675</b>	<b>6,596</b>	<b>5,461</b>	<b>546</b>	<b>72</b>	<b>47,459</b>
Indeterminate	28%	85%	2%	100%	99%	100%	38%
Determinate	72%	15%	98%	0%	1%	0%	62%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

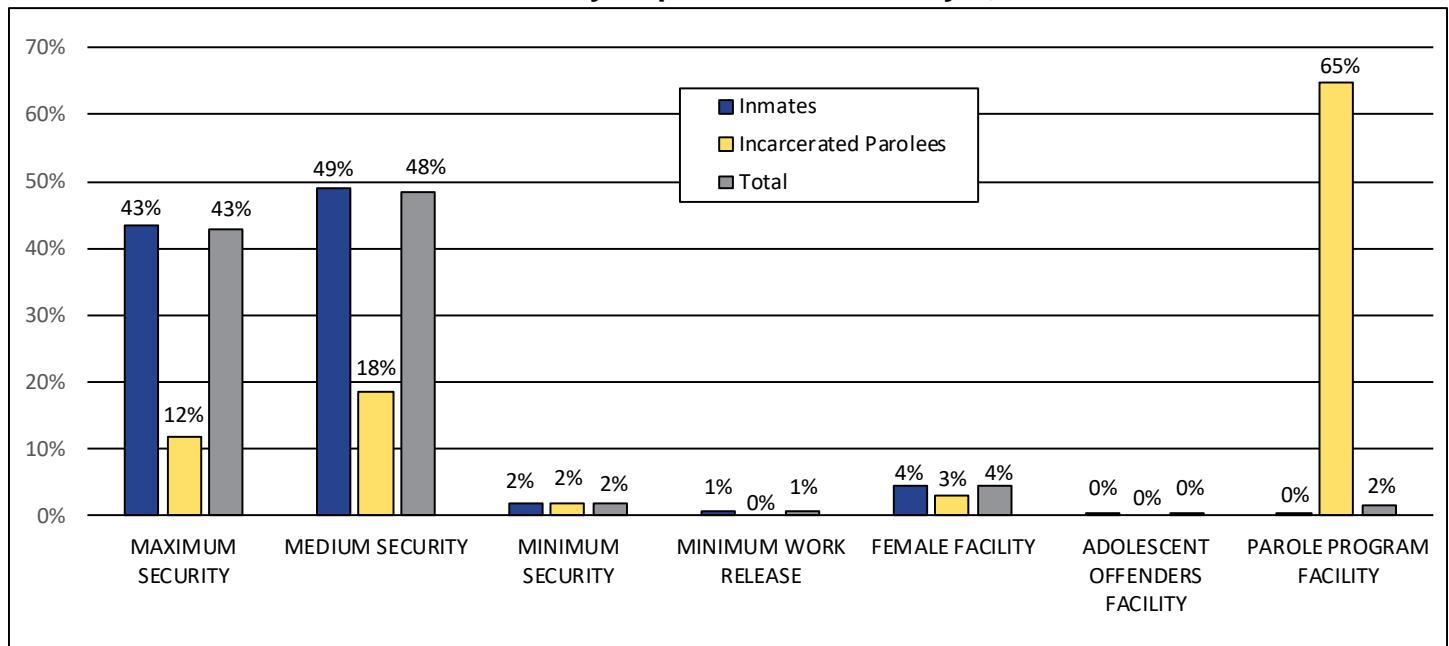
**Table 19B. Historic Number of Total Determinate, Violent Felony Determinate, and Drug Felony Determinate Sentences; Under Custody Populations on January 1, 2001, 2008 – 2019**

January 1,	2001	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Total Determinate	10,297	29,573	30,103	30,689	30,845	30,609	30,681	30,879	30,704	30,584	30,352	30,322	29,377
Percent of UC	14%	47%	49%	52%	54%	55%	56%	57%	58%	58%	59%	60%	62%
Violent Determinate	10,291	21,426	21,406	22,277	22,936	23,355	23,785	24,140	23,846	23,511	23,154	22,937	22,321
Percent of UC	14%	34%	35%	38%	40%	42%	43%	45%	45%	45%	45%	46%	47%
Drug Determinate	1	8,042	8,481	8,182	7,614	6,902	6,484	6,257	6,343	6,566	6,653	6,787	6,491
Percent of UC	0%	13%	14%	14%	13%	12%	12%	12%	12%	13%	13%	14%	14%

## Facility Security Level

Of the 47,459 incarcerated individuals on January 1, 2019, close to half (48%) were in a Medium Security level facility, followed by 43% in a Maximum Security level facility. About 1% of incarcerated individuals were in a Work Release facility and another 2% were in Parole Program facilities.

**Figure 20. Security Level by Offender Status; Under Custody Population on January 1, 2019**



**Table 20A. Security Level by Offender Status; UC Population on January 1, 2019**

Security Level	Inmates	Incarcerated Parolees	Total
MAXIMUM SECURITY	20,267	43.5%	96
MEDIUM SECURITY	22,812	48.9%	150
MINIMUM SECURITY	929	2.0%	16
MINIMUM WORK RELEASE	295	0.6%	0
FEMALE FACILITY	2,081	4.5%	24
ADOLESCENT OFFENDERS FACILITY	64	0.1%	0
PAROLE PROGRAM FACILITY	196	0.4%	529
GRAND TOTAL	46,644	100.0%	815
			47,459
			100.0%

**Table 20B. Security Level and Facility by Offender Status;  
Under Custody Population on January 1, 2019 (Page 1 of 2)**

Security Level	Housing Facility	Inmates	Incarcerated Parolees	Total
MAXIMUM SECURITY	ATTICA	1,985	0	1,985
	AUBURN	1,407	7	1,414
	CLINTON	2,484	2	2,486
	COLLINS	155	0	155
	COXSACKIE	801	0	801
	DOWNSTATE	1,069	15	1,084
	EASTERN	935	0	935
	ELMIRA	1,522	17	1,539
	FISHKILL	139	3	142
	FIVE POINTS	1,278	20	1,298
	GOUVERNEUR	148	0	148
	GREAT MEADOW	1,437	0	1,437
	GREEN HAVEN	1,827	22	1,849
	GREENE	142	0	142
	MARCY	186	0	186
	MIDSTATE	40	0	40
	MOHAWK	144	2	146
	ORLEANS	136	0	136
	SHAWANGUNK	485	0	485
	SING SING	1,500	0	1,500
	SOUTHPORT	354	0	354
	SULLIVAN	450	2	452
	UPSTATE	874	0	874
	WENDE	769	6	775
	Subtotal	20,267	96	20,363
MEDIUM SECURITY	ALTONA	461	0	461
	BARE HILL	1,301	0	1,301
	CAPE VINCENT	778	0	778
	CAYUGA	843	0	843
	COLLINS	842	0	842
	FISHKILL	1,339	110	1,449
	FRANKLIN	1,332	4	1,336
	GOUVERNEUR	753	0	753
	GOWANDA	1,340	0	1,340
	GREENE	1,458	0	1,458
	GROVELAND	953	0	953
	HALE CREEK	293	6	299
	LIVINGSTON	814	1	815
	MARCY	920	5	925
	MIDSTATE	1,358	7	1,365
	MOHAWK	1,231	0	1,231
	OGDENSBURG	400	0	400
	ORLEANS	627	2	629
	OTISVILLE	558	0	558
	RIVERVIEW	751	0	751
	ULSTER	548	11	559
	WALLKILL	570	0	570
	WASHINGTON	835	0	835
	WATERTOWN	475	0	475
	WOODBOURNE	773	4	777
	WYOMING	1,259	0	1,259
	Subtotal	22,812	150	22,962

**Table 20B. Security Level and Facility by Offender Status;  
Under Custody Population on January 1, 2019 (Page 2 of 2)**

Security Level	Housing Facility	Inmates	Incarcerated Parolees	Total
MINIMUM SECURITY	EDGEcombe	11	0	11
	FISHKILL	4	0	4
	HUDSON	19	0	19
	LAKEVIEW	511	0	511
	MORIAH	140	0	140
	QUEENSBORO	242	16	258
	ROCHESTER	2	0	2
	SUBTOTAL	929	16	945
MINIMUM WORK RELEASE	FISHKILL	28	0	28
	HALE CREEK	2	0	2
	HUDSON	50	0	50
	LINCOLN	166	0	166
	ROCHESTER	49	0	49
	SUBTOTAL	295	0	295
FEMALE FACILITY	ALBION (MED.)	937	6	943
	BEDFORD HILLS (MAX.)	727	18	745
	EDGEcombe (MIN.)	29	0	29
	LAKEVIEW (MIN.)	73	0	73
	TACONIC (MED.)	315	0	315
	SUBTOTAL	2,081	24	2,105
ADOLESCENT OFFENDERS FACILITY	ADIRONDACK	25	0	25
	HUDSON	39	0	39
	SUBTOTAL	64	0	64
CORRECTIONAL FACILITIES TOTAL		46,448	286	46,734
PAROLE PROGRAM FACILITY	EDGEcombe	13	60	73
	HALE CREEK	0	41	41
	ORLEANS	0	59	59
	TACONIC	0	3	3
	WILLARD	183	366	549
PAROLE PROGRAM FACILITIES TOTAL		196	529	725
GRAND TOTAL		46,644	815	47,459

## Section Three

### CHANGES OVER TEN YEARS

**Table 21. Historic Change in Age by Gender, 2009 and 2019**

Age by Gender, 2019	16-17	18-20	21-29	30-39	40-49	50-59	60+	Total	Average
Male	64	1,016	11,284	13,971	9,427	6,890	2,618	45,270	39.1
Female	0	33	582	768	418	312	76	2,189	38.0
Total	64	1,049	11,866	14,739	9,845	7,202	2,694	47,459	39.1
Male	0.1%	2.2%	24.9%	30.9%	20.8%	15.2%	5.8%	100.0%	
Female	0.0%	1.5%	26.6%	35.1%	19.1%	14.3%	3.5%	100.0%	
Total	0.1%	2.2%	25.0%	31.1%	20.7%	15.2%	5.7%	100.0%	
2009									
Male	163	2,621	15,792	16,683	14,799	5,752	1,692	57,502	37.0
Female	7	84	669	735	773	250	61	2,579	37.4
Total	170	2,705	16,461	17,418	15,572	6,002	1,753	60,081	37.0
Male	0.3%	4.6%	27.5%	29.0%	25.7%	10.0%	2.9%	100.0%	
Female	0.3%	3.3%	25.9%	28.5%	30.0%	9.7%	2.4%	100.0%	
Total	0.3%	4.5%	27.4%	29.0%	25.9%	10.0%	2.9%	100.0%	
Change (Total)	-106	-1,656	-4,595	-2,679	-5,727	1,200	941	-12,622	2.1
Percent Change	-62%	-61%	-28%	-15%	-37%	20%	54%	-21%	6%

The total custody population has dropped by 21% between 2009 and 2019. During this period, all age groups under 50 have decreased while older age groups have increased. The average age of incarcerated individuals has increased by 2 years over this time. Overall, there was a larger percentage decrease in males than females over this time.

**Table 22. Historic Change in Race and Ethnicity by Gender, 2009 and 2019**

Race/Ethnic Status by Gender, 2019	White	African American	Hispanic	Native American	Asian	Other	Unknown	Total
Male	10,529	22,084	11,177	379	267	590	244	45,270
Female	1,077	724	294	19	16	29	30	2,189
Total	11,606	22,808	11,471	398	283	619	274	47,459
Male	23.3%	48.8%	24.7%	0.8%	0.6%	1.3%	0.5%	100.0%
Female	49.2%	33.1%	13.4%	0.9%	0.7%	1.3%	1.4%	100.0%
Total	24.5%	48.1%	24.2%	0.8%	0.6%	1.3%	0.6%	100.0%
2009								
Male	11,957	29,762	14,661	384	301	275	162	57,502
Female	834	1,168	510	7	24	28	8	2,579
Total	12,782	30,926	15,169	391	325	302	186	60,081
Male	21.3%	51.5%	25.2%	0.7%	0.5%	0.5%	0.3%	100.0%
Female	32.3%	45.3%	19.8%	0.3%	0.9%	1.1%	0.3%	100.0%
Total	21.3%	51.5%	25.2%	0.7%	0.5%	0.5%	0.3%	100.0%
Change (Male)	-1,428	-7,678	-3,484	-5	-34	315	82	-12,232
Percent Change	-12%	-26%	-24%	-1%	-11%	115%	51%	-21%
Change (Female)	243	-444	-216	12	-8	1	22	-390
Percent Change	29%	-38%	-42%	171%	-33%	4%	275%	-15%
Change (Total)	-1,176	-8,118	-3,698	7	-42	317	88	-12,622
Percent Change	-9%	-26%	-24%	2%	-13%	105%	47%	-21%

Between 2009 and 2019, there were sizeable decreases among African-Americans and Hispanics under custody.

**Table 23. Historic Change in VFO, 2009 and 2019**

Commitment Crime Type by Gender, 2019	Violent Felony	Other Coercive	Drug Offenses	Property and Other	YO/JO	Total
Male	30,109	3,495	6,153	4,915	598	45,270
Female	1,000	180	443	546	20	2,189
Total	31,109	3,675	6,596	5,461	618	47,459
Male	66.5%	7.7%	13.6%	10.9%	1.3%	100.0%
Female	45.7%	8.2%	20.2%	24.9%	0.9%	100.0%
Total	65.5%	7.7%	13.9%	11.5%	1.3%	100.0%
<b>2009</b>						
Male	34,391	4,541	11,179	6,310	1,081	57,502
Female	1,020	199	764	549	47	2,579
Total	35,411	4,740	11,943	6,859	1,128	60,081
Male	59.8%	7.9%	19.4%	11.0%	1.9%	100.0%
Female	39.6%	7.7%	29.6%	21.3%	1.8%	100.0%
Total	58.9%	7.9%	19.9%	11.4%	1.9%	100.0%
Change (Male)	-4,282	-1,046	-5,026	-1,395	-483	-12,232
Percent Change	-12%	-23%	-45%	-22%	-45%	-21%
Change (Female)	-20	-19	-321	-3	-27	-390
Percent Change	-2%	-10%	-42%	-1%	-57%	-15%
Change (Total)	-4,302	-1,065	-5,347	-1,398	-510	-12,622
Percent Change	-12%	-22%	-45%	-20%	-45%	-21%

Due to changes in the crime rate and changes to drug law sentencing, there has been a large drop in the custody population. During this period, there was a 45% decline in the custody population with drug sentences and a 45% decline in YOs/JOs compared with an overall population decline of 21%. There have been smaller but sizable declines in Violent Felony, Other Coercive and Property and Other crimes during this period. As a result, there has been a shift in the crime composition of the incarcerated individuals so that the population is now comprised of 66% violent felonies and 14% drug offenders.

**Table 24. Historic Change in Average and Median Sentence, 2009 and 2019**

Avg. Minimum Sentence by Gender, 2019	Average in Months		
	Male	Female	Total
Avg. Minimum Sentence by Gender, 2009	Average in Months		
	Male	113.2	68.6
Change in Avg.	86%	18.4	88%
Median Minimum Sentence by Gender, 2019	Median in Months		
	Male	72.0	41.0
Median Minimum Sentence by Gender, 2009	Median in Months		
	Male	62.0	36.0
Change in Median	86%	10.0	88%

Average and median sentences have increased over the time period due to drug law reforms. This has reduced the number and proportion of incarcerated individuals with drug sentences. The effect is that a higher proportion of incarcerated individuals have violent felonies with longer sentences.

Prepared by:

Division of Program Planning,  
Research and Evaluation

July 2020